



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० ५१]
No. 51]

नई विश्वी, शनिवार, विश्वनार १९, १९८१/ग्रहण २८, १९०३
NEW DELHI, SATURDAY, DECEMBER 19, 1981/AGRAHAYANA 28, 1903

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि व्याय और काम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

नई विश्वी, २८ नवम्बर, १९८१

का० आ० ३३८६.—नोटरीज नियम, १९५६ के नियम ६ के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री के० गरुडाचार, प्रधिकरण, टुकुर-२ कान्टिक ने उक्त प्राधिकारी को उक्त नियम के नियम ४ के अधीन एक आवेदन इस बात के लिए दिया है कि उसे टुकुर जिले और टुकुर शहर में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आलेप इस सूचना के प्रकाशन के बीचहूँ दिन के भीतर लिखत रूप में भेरे पास भेजा जाए।

[सं० ५ (५४)/८१-न्या०]

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Department of Legal Affairs)
New Delhi, the 28th November, 1981

S.O. 3386.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri K. Garudachar, Tunkur-2, Karnataka, for appointment as a Notary to practise in Tunkur District & Tunkur City of Karnataka.

1025 GI/81-1

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(54)/81-Judl.]

का० आ० ३३८७.—नोटरीज नियम, १९५६ के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री ए० महालिङ्गप्पा, प्रधिकरण, न० ९३८/१ इंद्रानगर, मैसूर ने उक्त प्राधिकारी को उक्त नियम के नियम ४ के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कान्टिक के मैसूर शहर में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आलेप इस सूचना के प्रकाशन के बीचहूँ दिन के भीतर लिखत रूप में भेरे पास भेजा जाए।

[सं० ५ (५५)/८१-न्या०]

S.O. 3387.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri L. Mahalingappa, Advocate, 938/1, Indiranagar, Mysore-570010, Karnataka, for appointment as a Notary to practise in Mysore City of Karnataka.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(55)/81-Judl.]

नई दिल्ली, 30 नवम्बर, 1981

का० आ० 3388.—नोटरीज नियम, 1956 के नियम 6 के प्रत्युत्तरण में सभाम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गणेश नाथ चक्रबर्ती, अधिकारी, नं०-९, ग्रोल्ड पोस्ट अफिस स्ट्रीट, कलकत्ता-700001 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे संपूर्ण भारत में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त प्रधिकारी की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के बीच दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[स० 5 (56)/81-न्या०]

New Delhi, the 30th November, 1981

S.O. 3388.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Gajendra Nath Chakraborty, Advocate, No. 9, Old Post Office Street, Calcutta-700001 for appointment as a Notary to practise in Union of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(56)/81-Judl.]

का० आ० 3389.—नोटरीज नियम, 1956 के नियम 6 के प्रत्युत्तरण में सभाम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राजा राम बसु राय, अधिकारी, ९-ग्रोल्ड पोस्ट अफिस स्ट्रीट, कलकत्ता 700001 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे संपूर्ण भारत में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त प्रधिकारी की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन से बीच दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[स० 5 (57)/81-न्या०]

के० सी० छ० गंगवानी, सभाम प्राधिकारी

S.O. 3389.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Raja Ram Basu Ray, Advocate, 9, Old Post Office Street, Calcutta-700001, for appointment as a Notary to practise in Union of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(57)/81-Judl.]

K. C. D. GANGWANI, Competent Authority

गृह भवानीय

नई दिल्ली, 5 विसम्बर, 1981

का० आ० 3390.—राष्ट्रपति, भारतीय प्रदेश प्रशासनिक प्रधिकारण आवेदन 1975 सारीख 10 मई 1975 का सा० का० नि० 285 (ई) के पैरा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय प्रदेश प्रशासनिक प्रधिकारण के सदस्य श्री पी० एच० रामचत्तानी को उक्त कार्यालय में न्यायमूलिकी प्र० मिल्डा के लागत के कारण हुई रिक्ति

पर 1 विसम्बर, 1981 से अपने श्रावणों तक अधिकार पद के कर्तव्यों का निष्पादन करने के लिए नियुक्त करने हैं।

[संख्या 21013/5/81-एस०आ०]

प्रांगिना शंकर, अवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 5th December, 1981

S.O. 3390. In exercise of the powers conferred by paragraph 4 of the Andhra Pradesh Administrative Tribunal Order, 1975 (G.S.R. 285(E) dated the 19th May, 1975), the President is pleased to appoint Shri P. H. Ramchandani, Member of the Andhra Pradesh Administrative Tribunal to perform the duties of the office of Chairman with effect from the 1st December, 1981 in the vacancy caused in the said office by the resignation of Shri Justice S. P. Sinha, till further orders.

[No. 21013/5/81-SR]

PROMILA SHANKAR, Under Secy.

वित्त भवानीय

(भारतीय वित्त विभाग)

(वित्त विभाग)

नई दिल्ली, 3 दिसम्बर, 1981

का० आ० 3391.—प्रौद्योगिक वित्त अधिनियम, 1948 (1948 का 15) की शारा 21 की उपधारा (2) के प्रत्युत्तरण में, केन्द्रीय सरकार, एतेहारा भारतीय प्रौद्योगिक वित्त विभाग के निदेशक मंडल की सिफारिश पर, उक्त नियम द्वारा जनवरी, 1982 में जारी किये गये तथा 1 जनवरी, 1983 को परिस्थित होने वाले बाबों पर देय व्याज की दर 10 प्रतिशत (दस प्रतिशत), नियारित करती है।

[स० 2(52) आई०एफ०-1/81]
के० पी० पार्श्वदान, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 3rd December, 1981

S.O. 3391.—In pursuance of sub-section (2) of section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendations of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 10 per cent (ten per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation in January, 1982 and maturing on the 1st January, 1983.

[No. 2(52) IF.-1/81]

K. P. PANDIAN, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

बम्बई, 16 अक्टूबर, 1981

अधिसूचना संख्या के०उ०श००—के०ज०श००नियम 173-ज(4)/5/81

का० आ० 3392.—इस समाहर्ता की विभाग 2 विसम्बर, 1971 की अधिसूचना संख्या के० उ० श०० नियम 173-ज(4)/71 के साथ संलग्न उत्पाद शुल्कों पर्याप्त वस्तुओं की सूची की दरम सं० 40 के बाद नियमलिखित अस्त-स्थापित किये जायें, जो दिनांक 19-5-1978 की अधिसूचना सं० के० उ० श०० नियम/173-ज(4) 1/78 द्वारा संभालित हैः—

टैरिफ़			
क्रम सं.	मव सं.	फल्य वस्तु का नाम	प्रस्तुति मुख्य कच्चा माल
1	2	3	4
41.	44	घड़िया (क) गति (ख) इलेक्ट्रोनिक	(क) मुख्य प्लेट (ख) नियंत्रिका (मोड- यूल)
		बीकाल घड़िया साथारण ट्रांजिस्टर कून	ऊपरी प्लेट तथा निचली प्लेट ऊपरी तथा निचली प्लेट मुक्के (मैनेट)
		टाइम फीसेस	ऊपरी तथा निचली प्लेट
42.	45	तुम्हारे मध्यमे लॉरी ब्रेकिंग (लोबरों की संख्या ब्रेकिंगों की क्षमता पर निर्भर करती है)	"Y" टाइप लोबर "T" टाइप लॉरी शाखा हैड सहित केबिनेट परिवहनीय प्लेट फार्म स्केल-कार्डरसील प्लेटफार्म स्केल इलेक्ट्रोनिक ब्रेकिंग पर्सनल स्केल स्पेटफार्म डिजिटल स्केल बैंडी स्केल फिलीपियन स्केल बेकी स्केल सेल्फ तथा सेमी सेल्फ इंडिकेटिंग कार्डर
			बड़ा लोबर छोटा लोबर फ्रॉटल स्नीकर स्टील नियंत्री डिस्प्ले जायल संकेतक भार सेल कैलिब्रेटेड बीम कैलिब्रेटेड बीम सेल्फ सकेतक
43.	33-ए	संगीत व्यवस्था स्पीकर सिस्टम एस्ट्रोफायर	केबिनेट मार्टिंग ऐसिस केबिनेट
44.	16A(4)	ट्रांसमिशन रबर बेल्टिंग	टेक्सटाइल फैब्रिक्स

2. स्व-नियंत्रित कार्यविधि के अधीन शासित प्रत्येक नियंत्रित समाहृतालय की दिनांक 31 मई, 1968 की अधिसूचना के ० उ० श० संख्या के ० उ० श० नियम/173-ज (4)/1/1968 के अन्तर्गत पहले से नियंत्रित प्रपत्र में सुधृत कच्चा माल का हिसाब-किताब रखेगा।

3. किसी भी उत्पाद युक्त मियमाचली, 1944 के नियम 55 के अधीन नियंत्रित भारा ८० ५ प्रपत्र में संगत सूची में विनियिष्ट मुख्य कच्चे माल की आवश्यकता विवरणिका भी प्रस्तुत करेगा।

[फा० सं० ५ (३०) २९ (विविध) /७४]

कु० श्री० दिलीपसिंहजी, समाहृता

CENTRAL EXCISE COLLECTORATE

Notification No. C.Ex. CER/173-G(4)/5/1981

Bombay, the 16th October, 1981

S.O. 3392.—The following shall be inserted after Serial No. 40 to the list of excisable commodities appended to this Collectorate Notification No. CER/173-G(4)/71 dated the 2nd December, 1971 as amended by Notification No CER/173-G(4)/78 dated 19-5-1978.

Sr. No.	Tariff Item No	Name of Commodity	Principal Raw Material	Raw Material proposed
1.	2.	3.	4.	
41.	44	Watches (a) Movement (b) Electronic Clocks Ordinary	(a) Main Plate (b) Module	Upper Plate and Bottom Plate
		Transistorised	Upper & Bottom Plate+Magnet	
		Time Pieces	Upper & Bottom Plates.	
42.	45	Weighing Machines Lorry weigh Bridge	'Y' Type Levers 'T' Type Levers. Cabinet with dial head.	
			(The number of levers depend upon the capacity of the weigh Bridges.)	
		Portable Platform scale-Counter seals /platform scales—	Long Lever Short Lever Frountil snyckal Steel.	
		Electronic Weigh Bridge Personal Scale	Nixi Display Dial Pointer	
		Platform Digital Scale	Load Cell	
		Baby Scale	Dial Indicator	
		Physician Scale	Calibrated Beam	
		Baby Sliding Scale	Calibrated Beam	
		Self and semi-self indicating counters.	Pointer	
43.	33F	Musical Systems. Speaker System Amplifier	Cabinet Mounting Chassis Cabinet	
44.	16A(4)	Transmission Rubber Beltings.	Textile Fabrics.	

2. Each assessee governed under Self Removal Procedure shall maintained the account of principal raw material in the form already prescribed under this Collectorate Notification C.E. No. CER/173-G(4)/1/1968 dated the 31st May, 1968.

3. The assessee shall also furnish quarterly return in form R.T.5 prescribed under Rule 55 of the Central Excise Rules, 1944, in respect of the principal raw materials specified in the relevant list.

[F.No.MV.(30)29/Misc./74]
K. S. DILIPSINHJI, Collector

उद्धोग मंत्रालय

(भारी उद्धोग विभाग)

मई तित्सी, 30 दिसंबर, 1981

का० आ० 3393.—सांचेजनिक परिवर (प्रतिवर्ष दबलकारों की बेवजाली) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रदत्त वर्गितयों का प्रयोग करते हुए, केन्द्रीय सरकार एवं द्वारा नीते वीर्य तालिका के कालम (1) में उल्लिखित अधिकारी को जो सरकार के

राजपत्रित प्रधिकारी के समकक्ष स्तर का भविकारी है, उक्त प्रधिनियम के प्रयोजनों के लिए सम्पदा प्रधिकारी नियुक्त करती है और यह निर्देश देती है कि उक्त प्रधिकारी उक्त तालिका के कालम (2) में विनियिट सार्वजनिक परिसरों की श्रेणियों के संबंध में अपनी प्रधिकार सीमाओं के अन्दर उक्त प्रधिनियम के द्वारा या अवैध संपदा प्रधिकारियों की प्रदत्त शक्तियों का प्रयोग, और सांपे गए कर्तव्यों का पालन करेगा।

तालिका

प्रधिकारी का नाम और पठनाम	सार्वजनिक परिसरों की श्रेणीय
श्री एच० पांडेय, स्टाफ मैनेजर, इंजीनियरिंग प्रोजेक्ट्स (इंडिया) लि०, कैलाश, कल्याण नगर, मार्ग, नई विल्सनी-110001.	कार्यालय या रिहायशी प्रोजेक्टों के लिए दिल्ली और नई दिल्ली की म्यूनिसिपल सीमाओं के अन्वरहंजी- नियरिंग प्रोजेक्ट्स (इंडिया) लि० से संबंधित, या इसके द्वारा पट्टे पर लिए गए सभी परिसर।

[सं० ५ (३८)/८१ एच० एम०-४]

एन० महान्ति, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 30th November, 1981

S.O. 3393.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of a Gazetted Officer of Government, to be Estate Officer for the purposes of the said Act, and further directs that the said officer shall exercise the powers conferred, and perform the duties imposed on estate officers by or under the said Act within the limits of his jurisdiction in respect of the categories of public premises specified in column (2) of the said Table:

TABLE

Name & Designation of the Categories of public premises officer	
(1)	(2)
Shri H. Pandey, Staff Manager, Engineering Projects (India) Ltd. Kailash, Kasturba Gandhi Marg, New Delhi-110001	All premises belonging to, or taken on lease by Engineering Projects (India) Limited for office or residential purposes within the Municipal limits of Delhi and New Delhi.

[No. 5(38)/81-HM. IV]
N. MOHANTY, Jt. Secy.

पेट्रोलियम, रसायन और उर्बरक मंत्रालय
(पेट्रोलियम विभाग)

नई दिल्ली, 30 नवम्बर, 1981

का०आ० ३३९४.—यह: पेट्रोलियम और चम्पोन पाइपलाइन (भूमि में उपयोग के प्रधिकार का प्राप्ति) प्रधिनियम 1962 (1982 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्बरक मंत्रालय (पेट्रोलियम विभाग) की प्रधिसूचना का।

या० सं० २३५९ दि० १३-९-८१ द्वारा केन्द्रीय सरकार ने उक्त प्रधिसूचना से संलग्न अनुसूची में विनियिट भूमियों के उपयोग के प्रधिकार को प्राप्त लाईनों की विभाने के प्रयोजन के लिए प्राप्ति करने का अपना आशय घोषित कर दिया था,

और यह: सक्षम प्रधिकारी ने उक्त प्रधिनियम की धारा 6 की उपधारा (1) के प्रदीन सरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विवार करने के पश्चात् इस प्रधिसूचना से संलग्न अनुसूची में विनियिट भूमियों में उपयोग का प्रधिकार घोषित करने का निश्चय किया है।

अब यह: उक्त प्रधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस प्रधिसूचना से संलग्न अनुसूची में विनियिट उक्त भूमियों में उपयोग का प्रधिकार घोषित करने के प्रयोजन के लिए एतद्वारा प्राप्ति किया जाता है,

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का प्रधिकार केन्द्रीय सरकार में निहित होने के बायाँ इंडिपन आयल कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : यानेसर	जिला : कुरुक्षेत्र	राज्य : हरियाणा
नाम ग्राम	खसरा मं०	है० ऐ० व०मी०
1	2	3 4 5
मसाना ह०नं० ९६	25/३ मिन	० १० १२
	25/८ मिन	० १० १२
	25/१३ मिन	० १० १२
	25/१८ मिन	० १० १२
	25/२३ मिन	० ०९ ११
	28/३ मिन	० १० १२
	28/८ मिन	० १० १२
	28/१३ मिन	० १० १२
	28/१८/१ मिन	० ०४ ३३
	28/१८/२ मिन	० ०५ ५६
	28/२३ मिन	० १० १२
	38/३/१ मिन	० ०८ ३५
	38/८ मिन	० ०९ ८६
	38/१३ मिन	० ०९ ११
	38/१८ मिन	० ०७ ५९
	38/२३ मिन	० ०६ ०७
	42/३ मिन	० ०४ ०५
	42/८ मिन	० ०१ ५२
	७४ मिन	० ०१ ०१
	७७ मिन	० ०० ५१
	८६ मिन	० ०१ ०१
	३/८ मिन	० ०४ ५५
	३/१२/१ मिन	० ०५ ०६
	३/१२/२ मिन	० ०२ २८

1	2	3	4	5	1	2	3	4	5
भसाना ह०८० (जारी)	3/19 मिन	0	10	12	बकाना ह०८० १३(जारी)	417/2 मिन	0	03	04
	3/22/1 मिन	0	03	04		417/3 मिन	0	05	06
	3/22/2 मिन	0	07	08		417/1 मिन	0	01	77
	5/2 मिन	0	10	12		418 मिन	0	00	25
	5/9 मिन	0	10	12		422 मिन	0	09	61
	5/12 मिन	0	09	11		424 मिन	0	00	51
	5/19 मिन	0	10	12		426 मिन	5	10	12
	5/22 मिन	5	10	12		520 मिन	0	10	12
	13/2 मिन	0	09	86		521 मिन	0	10	12
	13/3 मिन	0	00	25		522 मिन	5	15	12
	13/8 मिन	0	03	04		523 मिन	0	10	12
	13/9 मिन	0	07	08		524 मिन	0	10	12
	13/12 मिन	0	05	56		772 मिन	0	01	52
	13/13 मिन	0	04	55		830 मिन	0	08	60
	13/18 मिन	0	06	07		831 मिन	0	10	12
	13/19 मिन	0	04	05		832 मिन	0	10	12
	13/22 मिन	0	02	02		833 मिन	0	10	12
	13/23 मिन	0	08	09		834 मिन	0	10	12
	16/2 मिन	0	00	51		1077 मिन	0	00	76
	16/3 मिन	0	09	61		1036 मिन	0	09	36
	16/8 मिन	0	10	12		1037 मिन	0	09	87
	16/13 मिन	0	10	12		1044 मिन	0	00	25
	16/18 मिन	0	10	12		1038 मिन	0	07	08
	16/23 मिन	0	10	12		1043 मिन	0	03	04
						1039 मिन	0	05	06
धमतोरी ह०९० ९७	167 मिन	0	10	12		1042 मिन	0	05	06
	133 मिन	0	09	36		1040 मिन	0	03	04
	169 मिन	0	10	12		1041 मिन	0	07	08
	206 मिन	0	10	12		1267 मिन	0	00	76
	218 मिन	0	00	25		1267/1 मिन	0	00	25
	222 मिन	0	10	12		1266 मिन	0	09	11
	223 मिन	0	10	12		1265 मिन	0	09	36
	224 मिन	0	10	12		1264 मिन	0	00	51
	225 मिन	0	09	87		1263 मिन	0	10	12
	226 मिन	0	09	87		1262 मिन	0	10	12
	217 मिन	0	00	25		1261 मिन	0	10	12
	227 मिन	0	08	09		1268 मिन	0	00	25
	228 मिन	0	02	02		1455 मिन	0	10	12
	234 मिन	0	04	05		1456 मिन	0	10	12
	235 मिन	0	06	07		1467 मिन	0	10	12
	236 मिन	0	04	05		1468 मिन	0	10	12
	237 मिन	0	06	07		1478 मिन	0	10	12
	241 मिन	0	08	09		1502 मिन	0	01	52
	242 मिन	0	02	02		1752 मिन	0	08	60
	244 मिन	0	09	87		1751/1 मिन	0	05	56
	249 मिन	0	00	25		1751/2 मिन	0	04	55
	245 मिन	0	10	12		1738 मिन	0	10	12
	247 मिन	0	04	81		1737 मिन	0	10	12
बकाना ह०८० १३	171 मिन	0	08	35		1736 मिन	0	10	12
	172 मिन	0	03	79		1726 मिन	0	10	12
	179 मिन	0	09	11		1724 मिन	0	10	12
	178 मिन	0	00	51		1715 मिन	0	00	61
	178/1 मिन	0	00	00		1694 मिन	5	00	51
	409 मिन	0	10	12		1695 मिन	0	03	54
	413 मिन	0	10	12		1714 मिन	0	07	04

1	2	3	4	5	1	2	3	4	5	
बकाला ह०८० (जारी)	1704 मिन	0	04	05	छपरी	8/4/2 मिन	0	05	56	
	1705 मिन	0	05	06	ह०८० 242 (जारी)	8/6/2 मिन	0	01	26	
	1999 मिन	0	00	76		8/7 मिन	0	09	11	
	2066 मिन	0	04	05		8/14/1 मिन	0	03	04	
	2075 मिन	0	06	07		8/14/2 मिन	0	00	25	
	2074 मिन	0	08	09		8/15/1 मिन	0	06	58	
	2067 मिन	0	02	02		8/16/2 मिन	0	09	36	
	2068 मिन	0	00	25		8/17/1 मिन	0	00	00	
	2073 मिन	0	09	87		8/25/1 मिन	0	10	12	
	2072 मिन	0	10	12		55 मिन	0	00	76	
	2071 मिन	0	07	33		9/5/2 मिन	0	02	02	
तिथीडा ह०८० 243	19/11 मिन	0	00	25		9/5/3 मिन	0	00	25	
	19/12 मिन	0	01	01		9/6 मिन	0	10	12	
	19/19 मिन	0	10	12		9/15 मिन	0	10	12	
	19/20 मिन	0	00	00		9/16 मिन	0	10	12	
	19/22 मिन	0	10	12		9/25 मिन	0	07	59	
	21/2 मिन	0	10	12		92/5/1 मिन	0	07	59	
	21/9 मिन	0	10	12		10/21 मिन	0	02	53	
	21/12 मिन	0	10	12		10/19/1 मिन	0	07	59	
	21/19 मिन	0	10	12		20/5 मिन	0	02	28	
	21/18 मिन	0	00	00		20/1 मिन	0	10	12	
	21/22 मिन	0	06	07		57 मिन	0	00	31	
	21/23 मिन	0	02	53		21 मिन	0	10	12	
	78 मिन	0	01	52		22/1 मिन	0	10	12	
	32/2/2 मिन	0	00	76		22/9 मिन	0	01	01	
	32/3/1 मिन	0	09	36		22/10 मिन	0	09	11	
	32/8 मिन	0	10	12		22/11 मिन	0	03	04	
	32/13/1 मिन	0	01	52		22/12/1 मिन	0	03	82	
	32/13/2 मिन	0	08	60		19/10 मिन	0	09	61	
	32/18 मिन	0	10	12		19/11 मिन	0	10	12	
	32/23 मिन	0	10	12		किशनगढ़	3/12/3 मिन	0	03	04
	37/3 मिन	0	09	61		ह०८० 248	3/13 मिन	0	06	32
	37/8 मिन	0	10	12			3/18/2 मिन	0	10	12
	37/13 मिन	0	10	12			3/19 मिन	0	00	00
	37/18 मिन	0	10	12			3/23 मिन	0	10	12
	37/23 मिन	0	10	12			3/30 मिन	0	00	76
	68 मिन	0	00	51			6/3 मिन	0	09	36
	48/3/1 मिन	0	07	33			6/8 मिन	0	10	12
	48/3/2 मिन	0	00	25			6/13 मिन	0	10	12
	48/8/1 मिन	0	10	12			6/18 मिन	0	07	59
	48/13 मिन	0	10	12			6/17/2 मिन	0	01	26
	48/18 मिन	0	09	36			6/28 मिन	0	05	08
	48/23 मिन	0	09	87			6/31 मिन	0	01	26
	48/24 मिन	0	00	25			6/24/1 मिन	0	03	29
	74 मिन	0	02	78			6/23 मिन	0	02	28
	99 मिन	0	00	76			11/3 मिन	0	00	51
	52/4 मिन	0	02	02			11/4 मिन	0	09	61
	52/3/3 मिन	0	02	02			11/7 मिन	0	10	12
	52/3/2 मिन	0	06	07			11/14 मिन	0	10	12
	52/8 मिन	0	06	58			11/17/1 मिन	0	10	12
	52/7 मिन	0	03	54			11/24 मिन	0	06	83
	52/13 मिन	0	04	81						
	52/14 मिन	0	03	04						
छपरी ह०८० 242	8/1/24 मिन	0	03	29						
	8/4/1 मिन	0	04	55						

1	2	3	5	5	1	2.	3	4	5
गर्भगंगा	114 मिन	0	02	53	धोउमाजरा	11/23 मिन	0	01	01
ह०म० 233 (जारी)	112 मिन	0	02	53	ह०म० 230 (जारी)	11/24 मिन	0	09	11
	111 मिन	0	07	08		11/47 मिन	0	01	52
	109 मिन	0	00	51		16/4/1 मिन	0	04	60
	107 मिन	0	10	12		16/4/2 मिन	0	00	00
	103 मिन	0	10	12		16/7/1 मिन	0	05	56
	62 मिन	0	10	12		16/7/2 मिन	0	02	28
	59 मिन	0	10	12		16/7/3 मिन	0	01	01
	58 मिन	0	10	12		16/7/4 मिन	0	01	01
	55 मिन	0	08	60		16/14 मिन	0	09	61
	70 मिन	0	01	26		16/15/2 मिन	0	00	51
	54/1 मिन	0	00	00		16/16/2 मिन	0	07	08
	54/2 मिन	0	04	05		16/17 मिन	0	03	04
	71/1 मिन	0	00	51		16/25 मिन	0	10	12
	71/2 मिन	0	04	81		24/5 मिन	0	10	12
	359 मिन	0	00	76		24/6 मिन	0	09	11
	323 मिन	0	10	12		24/15 मिन	0	01	77
	322 मिन	0	10	12		25/10 मिन	0	00	00
	327/1 मिन	0	06	07		25/11 मिन	0	05	56
	327/2 मिन	0	02	02		25/20 मिन	0	10	12
	327/3 मिन	0	02	02		25/21 मिन	0	10	12
	328/2 मिन	0	01	01		25/45 मिन	0	04	30
	313/2 मिन	0	18	21		28/1 मिन	0	10	12
	330/2 मिन	0	00	51		28/7 मिन	0	03	04
	330/1 मिन	0	01	52		28/9 मिन	0	05	06
	382/1 मिन	0	00	00		28/10 मिन	0	07	08
	381/2 मिन	0	04	81		28/11 मिन	0	00	51
	380/2 मिन	0	03	54		28/12 मिन	0	09	11
	382/2 मिन	0	02	02		55 मिन	0	00	51
	380/1 मिन	0	01	01		28/19 मिन	0	10	12
	387 मिन	0	00	51		28/22 मिन	0	10	12
	385 मिन	0	07	08		37/2 मिन	0	07	84
	386 मिन	0	10	12		37/3 मिन	0	01	26
	400/1 मिन	0	09	61		37/3 मिन	0	02	53
	400/2 मिन	0	00	51		45/2 मिन	0	04	30
	401 मिन	0	10	12					
	475 मिन	0	10	12	लालडी	3/25 मिन	0	03	79
	474 मिन	0	03	54	ह०म० 229	9/5 मिन	0	07	59
	473 मिन	0	06	58		9/6 मिन	0	00	00
	472 मिन	0	07	39		10/1 मिन	0	02	78
	487 मिन	0	02	53		10/10 मिन	0	10	12
	471 मिन	0	01	77		10/11/1 मिन	0	10	12
	468 मिन	0	08	09		10/20 मिन	0	10	12
	469 मिन	0	10	12		10/21 मिन	0	07	08
	501 मिन	0	10	12		10/22 मिन	0	02	53
	507 मिन	0	10	12		200/मिन	0	00	76
	508 मिन	0	10	12		13/1/1 मिन	0	01	01
	511 मिन	0	00	00		13/2/2 मिन	0	02	78
	512 मिन	0	10	12		13/2/1 मिन	0	06	83
	513 मिन	0	03	04		13/9 मिन	0	10	12
शक्कमाजरा	11/13 मिन	0	00	00		13/12 मिन	0	09	61
ह०म० 230	11/27 मिन	0	01	52		13/19 मिन	0	07	33
	11/18/1 मिन	0	07	08		13/18 मिन	0	02	78
	11/18/2	0	00	76		13/22 मिन	0	00	76

1	2	3	4	5	1	2	3	4	5
लाल्ही	13/23 मिन	0	09	36	मोहड़ी	479 मिन	0	08	60
हॉन० 229 जारी	21/3/2 मिन	0	05	06	हॉन० 217 जारी	520 मिन	0	01	52
	21/3/3 मिन	0	05	06		579 मिन	0	09	11
	21/8/1 मिन	0	07	33		580 मिन	0	00	76
	21/8/2 मिन	0	00	76		578 मिन	0	02	02
	69 मिन	0	02	28		581 मिन	0	07	84
	21/13 मिन	0	08	35		582 मिन	0	10	12
	21/14/3 मिन	0	01	77		583 मिन	0	10	12
	21/17 मिन	0	09	36		584 मिन	0	10	12
	21/18 मिन	0	01	01		585 मिन	0	00	00
	21/24 मिन	0	10	12		666 मिन	0	06	07
	28/4 मिन	0	09	36		679 मिन	0	04	05
	28/6 मिन	0	00	76		667 मिन	0	10	12
	28/7 मिन	0	09	36		668 मिन	0	10	12
	28/14 मिन	0	01	77		669 मिन	0	10	12
	28/15 मिन	0	07	59		670 मिन	0	05	56
	210 मिन ¹	0	00	76		661 मिन	0	04	55
	28/16/1 मिन	0	03	04		660 मिन	0	10	12
	28/16/2 मिन	0	07	08		671 मिन	0	00	00
	28/25/1 मिन	0	09	61		659 मिन	0	08	85
	28/25/2 मिन	0	00	25		759 मिन	0	01	52
	28/25/2 मिन	0	00	25		834 मिन	0	10	12
	36/5 मिन	0	10	12		835 मिन	0	00	25
	36/6 मिन	0	04	55		836 मिन	0	05	06
	36/1 मिन	0	00	00					
	36/10 मिन	0	05	56					
	36/11 मिन	0	10	12					
	36/20 मिन	0	10	12					
	36/21 मिन	0	10	12					
	46/1/2 मिन	0	00	00					
	46/1/3 मिन	0	06	07					
	46/2 मिन	0	04	05					
	46/9 मिन	0	10	12					
	46/10 मिन	0	00	00					
	46/12 मिन	0	10	12					
	46/18/1 मिन	0	10	12					
	46/22 मिन	0	07	08					
	46/23 मिन	0	03	04					
	51/2 मिन	0	00	51					
	51/3 मिन	0	08	60					
	72 मिन	0	01	01					
	51/8/1 मिन	0	04	05					
	51/8/2 मिन	0	06	07					
	51/13 मिन	0	09	87					
	226 मिन	0	00	76					
	802 मिन	0	00	51					
मोहड़ी	379 मिन	0	12	39					
हॉन० 217	385 मिन	0	10	12					
	406 मिन	0	10	12					
	419 मिन	0	10	12					
	438 मिन	0	10	12					
	449 मिन	0	10	12					
	450 मिन	0	10	12					
	478 मिन	0	10	12					

[सं. 12020/16/80 प्रोक्त]

टी. न० परमेश्वर, भवर सचिव

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 30th November, 1981

S.O. 3394.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S.O. 2359 dated 13-9-81 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by Sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further, in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE				1	2	3	4	5
Tehsil : Thanesar	District : Kurukshetra	State : Haryana		Dhantori (Contd.)				
Name of Village	Khasra No.	H. A.	Sq.M					
1	2	3	4	5				
Hasana H.No. 96 .	25/3 Min	0	10	12	225 Min	0	09	87
	25/8 Min	0	10	12	226 Min	0	09	87
	25/13 Min	0	10	12	217 Min	0	00	25
	25/18 Min	0	10	12	227 Min	0	03	09
	25/23 Min	0	09	11	228 Min	0	02	02
	28/3 Min	0	10	12	234 Min	0	04	05
	28/8 Min	0	10	12	235 Min	0	06	07
	28/13 Min	0	10	12	236 Min	0	04	05
	28/18/1 Min	0	04	55	237 Min	0	06	07
	28/18/2 Min	0	05	56	241 Min	0	08	09
	28/23 Min	0	10	12	242 Min	0	02	02
	38/3/1 Min	0	08	38	244 Min	0	09	87
	38/8 Min	0	09	86	249 Min	0	00	25
	28/13 Min	0	09	11	245 Min	0	10	12
	28/18 Min	0	07	59	247 Min	0	04	81
	38/23 Min	0	06	07	Bakana H. No. 93	171 Min	0	08
	42/3 Min	0	04	05		172 Min	0	03
	42/8 Min	0	01	52		179 Min	0	09
	74/Min	0	01	01		178 Min	0	00
	77/Min	0	00	51		178/1 Min	0	00
	86 Min	0	01	01		409 Min	0	10
	3/9 Min	0	04	55		413 Min	0	10
	3/12/1 Min	0	05	06		417/2 Min	0	03
	3/12/2 Min	0	02	28		417/3 Min	0	05
	3/19 Min	0	10	12		417/1 Min	0	01
	3/22/1 Min	0	03	04		418 Min	0	00
	3/22/2 Min	0	07	08		422 Min	0	09
	5/2 Min	0	10	12		424 Min	0	00
	5/9 Min	0	10	12		426 Min	0	10
	5/12 Min	0	09	11		520 Min	0	10
	5/19 Min	0	10	12		521 Min	0	10
	5/22 Min	0	10	12		522 Min	0	10
	13/2 Min	0	09	86		523 Min	0	10
	13/3 Min	0	00	25		524 Min	0	10
	13/8 Min	0	03	04		772 Min	0	01
	13/9 Min	0	07	08		830 Min	0	08
	13/12 Min	0	05	56		831 Min	0	10
	13/13 Min	0	04	55		832 Min	0	10
	13/18 Min	0	06	07		833 Min	0	10
	13/19 Min	0	04	05		834 Min	0	10
	13/22 Min	0	02	02		1077 Min	0	00
	13/23 Min	0	08	09		1036 Min	0	09
	16/2 M n	0	00	51		1037 Min	0	09
	16/3 Min	0	09	61		1044 Min	0	00
	16/8 Min	0	10	12		1038 Min	0	07
	16/13 Min	0	10	12		1043 Min	0	03
	16/18 Min	0	10	12		1039 Min	0	05
	16/23 Min	0	10	12		1042 Min	0	05
Dhantori H. No. 97	167 Min	0	10	12		1040 Min	0	03
	133 Min	0	09	36		1041 Min	0	07
	169 Min	0	10	12		1267 Min	0	00
	206 Min	0	10	12		1267/1 Min	0	00
	218 Min	0	00	25		1266 Min	0	09
	222 Min	0	10	12		1265 Min	0	09
	223 Min	0	10	12		1264 Min	0	00
	224 Min	0	10	12		1263 Min	0	10
						1262 Min	0	10
						1261 Min	0	10
						1268 Min	0	00
						1455 Min	0	10
						1456 Min	0	10
						1467 Min	0	10
						1468 Min	0	10
						1478 Min	0	10
						1502 Min	0	01

1	2	3	4	5	1	2	3	4	5
Bakana (Contd.)	1752 Min	0	08	60	Teora (Contd.)	52/13 Min	0	04	81
	1751/1 Min	0	05	56		52/14 Min	0	03	04
	1751/2 Min	0	04	55		8/1/24 Min	0	03	29
	1738 Min	0	10	12		8/4/1 Min	0	04	55
	1737 Min	0	10	12		8/4/2 Min	0	05	56
	1736 Min	0	10	12		8/6/2 Min	0	01	26
	1726 Min	0	10	12		8/7 Min	0	09	11
	1724 Min	0	10	12		8/14/1 Min	0	03	04
	1715 Min	0	09	61		8/14/2 Min	0	00	25
	1694 Min	0	00	51		8/15/1 Min	0	06	58
	1695 Min	0	03	04		8/16/2 Min	0	09	36
	1714 Min	0	07	08		8/17/1 Min	0	00	00
	1704 Min	0	04	05		8/23/1 Min	0	10	12
	1705 Min	0	05	06		55 Min	0	00	76
	1999 Min	0	00	76		9/5/2 Min	0	02	02
	2066 Min	0	04	05		9/5/3 Min	0	00	25
	2075 Min	0	06	07		9/6 Min	0	10	12
	2074 Min	0	08	09		9/13 Min	0	10	12
	2067 Min	0	02	02		9/16 Min	0	10	12
	2068 Min	0	00	25		9/25 Min	0	07	59
	2073 Min	0	09	87		9/23/1 Min	0	07	59
	2072 Min	0	10	12		10/21 Min	0	02	53
	2071 Min	0	07	33		10/19/1 Min	0	07	59
Teora H. No. 24	19/11 Min	0	00	25		20/5 Min	0	02	28
	19/12 Min	0	01	01		20/1 Min	0	10	12
	19/19 Min	0	10	12		57 Min	0	00	51
	19/20 Min	0	00	00		21 Min	0	10	12
	19/22 Min	0	10	12		22/1 Min	0	10	12
	21/2 Min	0	10	12		22/9 Min	0	01	01
	21/9 Min	0	10	12		22/10 Min	0	09	11
	21/12 Min	0	10	12		22/11 Min	0	03	04
	21/19 Min	0	10	12		22/12/1 Min	0	05	82
	21/18 Min	0	00	00		19/10 Min	0	09	61
	21/22 Min	0	06	07		19/11 Min	0	10	12
	21/23 Min	0	02	53		3/12/3 Min	0	03	04
	78 Min	0	01	52		3/13 Min	0	06	32
	32/2/2 Min	0	00	76		3/18/2 Min	0	10	12
	32/3/1 Min	0	09	36		3/19 Min	0	00	00
	32/8 Min	0	10	12		3/23 Min	0	10	12
	32/13/1 Min	0	01	52		3/30 Min	0	00	76
	32/13/2 Min	0	08	60		6/3 Min	0	09	36
	32/18 Min	0	10	12		6/8 Min	0	10	12
	32/23 Min	0	10	12		6/13 Min	0	10	12
	37/3 Min	0	09	61		6/18 Min	0	07	59
	37/8 Min	0	10	12		6/17/2 Min	0	01	26
	37/13 Min	0	10	12		6/28 Min	0	05	06
	37/18 Min	0	10	12		6/31 Min	0	01	26
	37/23 Min	0	10	12		6/24/1 Min	0	03	29
	88 Min	0	00	51		6/23 Min	0	02	28
	48/3/1 Min	0	07	33		11/3 Min	0	00	51
	48/3/2 Min	0	00	25		11/4 Min	0	09	61
	48/8/1 Min	0	10	12		11/7 Min	0	10	12
	48/13 Min	0	10	12		11/4 Min	0	10	12
	48/18 Min	0	09	36		11/17/1 Min	0	10	12
	48/23 Min	0	09	87		11/24 Min	0	06	83
	48/24 Min	0	00	25	Ram Nagar H. No. 233	117 Min	0	02	28
	74 Min	0	02	78		116 Min	0	10	12
	99 Min	0	00	76		113 Min	0	07	59
	52/4 Min	0	02	02		114 Min	0	02	53
	52/3/3 Min	0	02	02		112 Min	0	02	53
	52/3/2 Min	0	06	07		111 Min	0	07	08
	52/8 Min	0	06	58		109 Min	0	00	51
	52/7 Min	0	03	54					

1	2	3	4	5	1	2	3	4	5
Ram Nagar (Contd.)	107 Min	0	10	12	Daumajra (Contd.)	16/17 Min	0	03	04
	103 Min	0	10	12		16/25 Min	0	10	12
	62 Min	0	10	12		24/5 Min	0	10	12
	59 Min	0	10	12		24/6 Min	0	09	11
	58 Min	0	10	12		24/15 Min	0	01	77
	55 Min	0	06	60		25/10 Min	0	00	00
	70 Min	0	01	26		25/11 Min	0	05	56
	54/1 Min	0	00	00		25/20 Min	0	10	12
	54/2 Min	0	04	05		25/21 Min	0	10	12
	71/1 Min	0	00	51		25/45 Min	0	04	30
	71/2 Min	0	04	81		28/1 Min	0	10	12
	359 Min	0	00	76		28/7 Min	0	03	04
	323 Min	0	10	12		28/9 Min	0	05	06
	322 Min	0	10	12		28/10 Min	0	07	08
	327/1 Min	0	06	07		28/11 Min	0	00	51
	327/2 Min	0	02	02		28/12 Min	0	09	11
	327/3 Min	0	02	02		55 Min	0	00	51
	328/2 Min	0	01	01		28/19 Min	0	10	12
	313/2 Min	0	18	21		28/22 Min	0	10	12
	338/2 Min	0	00	51		37/2 Min	0	07	84
	330/1 Min	0	01	52		37/3 Min	0	01	26
	392/1 Min	0	00	00		37/8 Min	0	02	53
	391/2 Min	0	04	81		45/2 Min	0	04	30
	390/2 Min	0	05	54		3/25 Min	0	03	79
	392/3 Min	0	02	02	Landi H. No. 229	9/5 Min	0	07	59
	390/1 Min	0	01	01		9/6 Min	0	00	00
	387 Min	0	00	51		10/1 Min	0	02	78
	395 Min	0	07	08		10/10 Min	0	10	12
	396 Min	0	10	12		10/11/1 Min	0	10	12
	400/1 Min	0	09	61		10/20 Min	0	10	12
	400/2 Min	0	00	51		10/21 Min	0	07	08
	401 Min	0	10	12		10/22 Min	0	02	53
	475 Min	0	10	12		200 Min	0	00	76
	474 Min	0	03	54		13/1/1 Min	0	01	01
	473 Min	0	06	58		13/2/2 Min	0	02	78
	472 Min	0	07	59		13/2/1 Min	0	06	63
	467 Min	0	02	53		13/9 Min	0	10	12
	471 Min	0	01	77		13/12 Min	0	09	61
	468 Min	0	08	09		13/19 Min	0	07	33
	469 Min	0	10	12		13/18 Min	0	02	73
	501 Min	0	10	12		13/22 Min	0	00	73
	507 Min	0	10	12		13/23 Min	0	09	35
	508 Min	0	10	12		21/3/2 Min	0	05	06
	511 Min	0	00	00		21/3/3 Min	0	05	06
	512 Min	0	10	12		21/5/1 Min	0	07	33
	513 Min	0	03	04		21/8/2 Min	0	01	73
Daumajra H. No. 230	11/13 Min	0	00	00		69 Min	0	02	23
	11/17 Min	0	01	52		21/13 Min	0	03	33
	11/18/1 Min	0	07	08		21/14/1 Min	0	01	77
	11/18/2 Min	0	00	76		21/17 Min	0	02	35
	11/23 Min	0	01	01		21/18 Min	0	01	01
	11/24 Min	0	09	11		21/24 Min	0	10	12
	11/47	0	01	52		28/4 Min	0	02	35
	16/4/1 Min	0	08	60		28/6 Min	0	01	76
	16/4/2 Min	0	00	00		28/7 Min	0	02	35
	16/7/1 Min	0	05	56		28/14 Min	0	01	77
	16/7/2 Min	0	02	28		28/15 Min	0	07	53
	16/7/3 Min	0	01	01		210 Min	0	00	76
	16/7/4 Min	0	01	01		28/16/1 Min	0	03	04
	16/14 Min	0	09	61		28/16/2 Min	0	07	08
	16/15/2 Min	-0	00	51		28/25/1 Min	0	09	61
	16/16/2 Min	0	07	08		28/25/2 Min	0	00	25
						35/5 Min	-0	10	12
						35/6 Min	0	04	55

1	2	3	4	5
Landi	36/1 Min	0	00	00
H. No. 229	36/10 Min	0	05	56
	36/11 Min	0	10	12
	36/20 Min	0	10	12
	36/21 Min	0	10	12
	46/1/2 Min	0	00	00
	46/1/3 Min	0	06	07
	46/2 Min	0	04	05
	46/9 Min	0	10	12
	46/10 Min	0	00	00
	46/12 Min	0	10	12
	46/19/1 Min	0	10	12
	46/22 Min	0	07	08
	46/23 Min	0	03	04
	51/2 Min	0	00	51
	51/3 Min	0	08	60
	72 Min	0	01	01
	51/8/1 Min	0	04	05
	51/8/2 Min	0	06	07
	51/13 Min	0	09	87
	226 Min	0	00	76
	802 Min	0	00	51
Mohri	379 Min	0	12	39
H. No. 217	385 Min	0	10	12
	406 Min	0	10	12
	419 Min	0	10	12
	438 Min	0	10	12
	449 Min	0	10	12
	459 Min	0	10	12
	478 Min	0	10	12
	479 Min	0	08	60
	520 Min	0	01	52
	579 Min	0	09	11
	580 Min	0	00	76
	578 Min	0	02	02
	581 Min	0	07	84
	582 Min	0	10	12
	583 Min	0	10	12
	584 Min	0	10	12
	585 Min	0	00	00
	666 Min	0	06	07
	679 Min	0	04	05
	667 Min	0	10	12
	668 Min	0	10	12
	669 Min	0	10	12
	670 Min	0	05	56
	661 Min	0	04	55
	660 Min	0	10	12
	671 Min	0	00	00
	659 Min	0	08	85
	759 Min	0	01	52
	834 Min	0	10	12
	835 Min	0	00	25
	836 Min	0	05	06

[No. 12020/16/80-Prod.]

T. N. PARAMESWARAN, Under Secy.

(राज्य और उत्तरक विभाग)

नई दिल्ली, 27 नवम्बर, 1981

का० श० ३३९५.—सरकारी परिवर (अनशिकृत कर्जे की बेचली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एवं द्वारा उक्त अधिनियम के उद्देश्य

के लिए निम्न तालिका के कालम (1) में उल्लिखित अधिकारी की सह-कार के राजपत्रित अधिकारी के घोषणे के समान अधिकारी होने के तात्पर्य संपदा अधिकारी नियुक्त करती है जो उक्त तालिका के कालम (2) में नियिष्ट सरकारी परिवर के संबंध में उक्त अधिनियम द्वारा अधिकारी उसके अन्तर्गत संपदा अधिकारी को सौंपे गये कार्य और शक्ति का प्रयोग करेगा।

तालिका

अधिकारी का पवनाम	सरकारी परिवर की श्रेणी
(1) सहायक संपदा प्रबन्धक, उद्योग-प्रभाग, फॉटोलाइजर्स एण्ड फैमिकल्स ट्रावनकोर लिमिटेड	फॉटोलाइजर्स एण्ड फैमिकल्स ट्रावनकोर लिं. के स्वामित्व वाला या उसके द्वारा अधिकारी उसकी ओर से पट्टे पर लिए गए परिवर और द्वारा अधिकारी प्रभाग के प्रशासनिक विवरणाद्वारा दाउन-शिप।
(2) संपदा अधिकारी, कोचीन प्रभाग, फॉटोलाइजर्स एण्ड फैमिकल्स ट्रावनकोर लिं.	फॉटोलाइजर्स एण्ड फैमिकल्स ट्रावनकोर लिं. के स्वामित्व वाला या उसके द्वारा अधिकारी उसकी ओर से पट्टे पर लिए गए परिवर और कोचीन प्रभाग के प्रशासनिक विवरण में दाउन-शिप।

[फाइल सं० 106/12/81-एफ० श० स०]
श० धारा० गुप्ता, ईस्क अधिकारी

(Department of Chemicals & Fertilizers)

New Delhi, the 27th November, 1981

S.O. 3395.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in Column (1) of the Table below, being officers equivalent to the rank of Gazetted Officers of Government to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public Premises
(1)	(2)
(1) Assistant Estate Manager, Udyogamandal Division, Fertilizer and Chemicals, Travancore Limited.	Premises belonging to or taken on lease by or on behalf of the Fertilizer and Chemicals, Travancore Limited and its township falling under the administrative control of the Udyogamandal Division.
(2) The estate officer, Cochin Division, Fertilizer and Chemicals, Travancore Limited.	Premises belonging to or taken on lease by or on behalf of the Fertilizer and Chemicals, Travancore Limited and its township falling under the administrative control of the Cochin Division.

[F. No. 106/12/81-FDC]
D. R. GUPTA, Desk Officer.

झज्जरी मंत्रालय

(कोयला विभाग)

नई दिल्ली, 10 नवम्बर, 1981

क्षा० आ० 3396.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (भर्जन और विकास) प्रधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की प्रधिसूचना सं० का० आ० 2370 तारीख 13 सितम्बर, 1980 द्वारा उस प्रधिसूचना से संलग्न अनुसूची में विनिविष्ट परिक्षेत्र में 330.00 एकड़ (लगभग) या 133.54 हैक्टर (लगभग) माप की भूमि में कोयले का पूर्वज्ञ करने के अपने आशय की सूचना थी थी;

धौर केन्द्रीय सरकार का समाधान हो गया है कि उक्त भूमि में कोयला अनिवार्य है;

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (भर्जन और विकास) प्रधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) द्वारा प्रदत्त वर्णितयों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 330.00 एकड़ (लगभग) या 133.54 हैक्टर (लगभग) माप की भूमि का भर्जन करने के अपने आशय की सूचना दी गई है।

टिप्पणी— 1 इस प्रधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरी-क्षण, उपायकृत, हजारीबाग (बिहार) के कार्यालय में या कोयला नियंत्रक 1, कार्डिनल हाउस स्ट्रीट, कलकत्ता के कार्यालय में अथवा सेल्स कॉलेजलाइब्रेरी लिमिटेड (राजस्व अनुभाग) बरमंगा हाउस, राबी (बिहार) के कार्यालय में किया जा सकता है।

टिप्पणी— 2 कोयला धारक क्षेत्र (भर्जन और विकास) प्रधिनियम, 1957 (1957 का 20) की धारा 8 के उपवर्णियों की ओर व्याप्त आकृष्ट किया जाता है जिसमें निम्नलिखित उपवर्णित है:—

8 (1) कोई व्यक्ति जो किसी भूमि में जिसकी वावत धारा 7 के अधीन प्रधिसूचना निकाली गई है, हितवद्धु है, प्रधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर किसी प्रधिकारी का भर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण— इस धारा के अधिकारी यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं अनन्त संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रयोग आपत्ति समाप्त प्राधिकारी को लिखित रूप में की जाएगी और सभी प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यावसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनवे के पश्चात् और ऐसी अविरोध जांच, यदि कोई है, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन प्रधिसूचित भूमि के या ऐसी भूमि में या उस पर के प्रधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न दुकानों या ऐसी भूमि में या उस पर के प्रधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशें और उसके द्वारा की गई कार्यवाही के अधिसेज सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितवद्धु समझा जाएगा जो प्रतिकर में हित का वाचा करने का हक्कार होता यदि भूमि या ऐसी भूमि में या उस पर प्रधिकार इस प्रधिनियम के अधीन अनिवार्य कर लिए जाते।

टिप्पणी— 3 केन्द्रीय सरकार में, कोयला नियंत्रक, 1, कार्डिनल हाउस स्ट्रीट, कलकत्ता को प्रधिनियम के अधीन सभी प्राधिकारी नियुक्त किया गया है।

अनुसूची

लापांग विस्तार-प्रश्नवल्य औरधारा खण्ड

(विशेषी कर्णपुरा कोयला क्षेत्र)

रेखांचित्र सं० राजस्व/33/81

तारीख 15-3-81

(जिसमें अनिवार्य की जाने वाले भूमि वर्णित की गई है)

सभी प्रधिकार

क्रम सं० प्राम	पाना	धारा	विला	क्षेत्र	टिप्पणिया
1 औरधारा	मांडु	55	हजारीबाग	305.00	भाग
2 लापांग	मांडु	56	हजारीबाग	25.00	भाग
			कुल क्षेत्र	330.00	एकड़ (लगभग)
			या	133.54	हैक्टर (लगभग)

औरधारा प्राम में अनिवार्य किए जाने वाले प्लाट सं० :—

2 से 6 तक, 7 (भाग), 8 (भाग) 27, 29 से 43 तक, 44 (भाग), 45, 46 और 49 (भाग)
लापांग प्राम में अनिवार्य किए जाने वाले प्लाट सं० :—

1 (भाग) और 2 (भाग) ।

सीमा वर्णन :—

क्षण
रेखा लापांग भाग में प्लाट सं० 2 से होकर जाती है (जो लापांग कोयला आन की भागत सामान्य सीमा है)

ध-ग-ध-ड०-च-छ
रेखाएं लापांग प्राम में प्लाट सं० 1 और 2 से होकर, औरधारा प्राम में प्लाट सं० 49, 44 से होकर जाती है।

छ-अ-स-न-ज
रेखाएं औरधारा प्राम में प्लाट सं० 64, 77, की पश्चिमी सीमा के साथ साथ, प्लाट सं० 78 की विक्षीणी और पश्चिमी सीमा के साथ साथ प्लाट सं० 28 की भागत; उत्तरी सीमा के साथ साथ और प्लाट सं० 26 की पश्चिमी सीमा के साथ साथ आती है औरधारा ख्लाक के साथ भागत; सामान्य सीमा बनाती है। सभी प्रधिकार और खनन प्रधिकार कोयला प्रधिनियम की धारा 9 (1) के अधीन अनिवार्य किए गए हैं।

अ-ठ
रेखा औरधारा भाग में प्लाट सं० 8 और 7 से होकर जाती है।

ठ-ठ
रेखा औरधारा प्राम में धामोदर नदी के बाएं किनारे के साथ साथ जाती है।

ठ-ठ
रेखा औरधारा और दुर्गामा भागों की सामान्य सीमा के साथ साथ जाती है।

ठ-क
रेखा लापांग और दुर्गामा भागों की सामान्य सीमा के साथ साथ जाती है और आरम्भिक बिन्दु 'क' पर मिलती है।

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 10th November, 1981

S.O. 3396.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2370 dated the 13th September, 1980, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957),¹ the Central Government gave notice of its intention to prospect for coal in 330.00 acres (approximately) or 133.54 hectares (approximately) of the lands in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to acquire the lands measuring 330.00 acres (approximately) or 133.54 hectares (approximately) described in the Schedule appended hereto;

Note 1.—The plan of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Central Coalfields Ltd., (Revenue section), Darbhanga House, Ranchi, (Bihar).

Note 2.—Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, (20 of 1957), which provides as follows:—

8.(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation: It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3.—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE

Lapanga Extension—Adjoining Chordhara Block
(South Karanpura Coalfield)

Drg. No. Rev/33/81

Dated—15-3-81.

(Showing lands to be acquired)

ALL RIGHTS

Sl. Village No.	Thana	Thana Number	District	Area Remarks
1. Chordhara	Mandu	55	Hazaribagh	305.00 Part.
2. Lapanga	Mandu	56	Hazaribagh	25.00 Part.

Total Area : 330.00 Acre (approximately)
or : 133.54 Hectares (approximately)

Plot numbers to be acquired in village Chordhara:—

2 to 6, 7 (Part), 8(Part), 27, 29 to 43, 44 (Part), 45, 46 & 49 (Part).

Plot numbers to be acquired in village Lapanga :—1(Part) & 2 (Part).

Boundary Description:—

A-B	line passes through plot number 1 in village Lapanga (which forms part common boundary of Lapanga Colliery).
B-C-D-E-F-G-	lines pass through plot numbers 1 & 2 in village Lapanga, through plot numbers 49, 44 in village Chordhara.
G-H-I-J-	lines pass along the Western boundary of plot numbers 64, 77, Southern & Western boundary of plot number 78 along part Northern boundary of plot number 28 and along Western boundary of plot number 26 in village Chordhara (which forms part common boundary with Chordhara block . All Rights & Mining Rights area acquired u/s. (1) of the Coal Act).
J-K	line passes through plot numbers 8 & 7 in village Chordhara.
K-L	line passes along the right bank of Damodar River in village Chordhara.
L-M	line passes along the common boundary of villages Chordhara and Dundua.
M-A	line passes along the part common boundary of villages Lapanga & Dundua and meets at starting point 'A'.

[No. 19/15/81-CL]

शुद्धि-पत्र
मई शिल्पी, 27 नवम्बर, 1981

क्रा० अ० 3397.—भारत के राजस्व भाग 2 खण्ड 3, उप-खण्ड (ii) सारीख 1 अगस्त 1981 में पृष्ठ 2444-2446 पर प्रकाशित भारत सरकार के अधीन संचालन (कोयल विभाग) की अधिसूचना का० आ० सं० 2084 तारीख 16 जुलाई 1981 में :

पृष्ठ 2445 पर (क) अधिसूचना में “कोल फ़ील्ड लिमिटेड” के स्थान पर “वेस्टर्न कॉलोर्ड लिमिटेड” पढ़ें।

- (३) गोमया में "गोरमा" के स्थान पर "गोरमा (असर्वेक्षित)" पढ़ें।
सीमा वर्णन
(४) "इ-ए रेखा" के स्थान पर "इ-ए-ए रेखा"
पढ़ें।

[सं० 19 (38)/80-सीएल]

तदृश दिल्ली, 1 दिसम्बर, 1981

का० आ० 3398.—देशीय सरकार को यह प्रतीत होता है कि इससे उपायद मन्त्रालय में उल्लिखित भूमि में कोयला अधिकारात्रि किए जाने की संभावना है;

प्रतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रवत शक्तियों का प्रबोग करते हुए, कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है;

2. इस अधिसूचना के प्रधीन धारे वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व प्राप्तभाग) दरभंगा हाउस, राँची (बिहार) के कार्यालय में या उपायुक्त गिरिधिह (बिहार) के कार्यालय में प्रथमा नियंत्रक 1, काउन्सिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के प्रधीन धारे वाली भूमि में हितबद सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्विष्ट सभी नक्शों, आटों और अन्य दस्तावेजों को इस अधिसूचना के राजस्व में प्रकाशन की तारीख से 90 दिन के भीतर राजस्व अधिकारी, सेन्ट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची, (बिहार) को मिलाने।

गोमया

हजारी खण्ड

जिला गिरीधिह (बिहार)

रेखांक सं० राजस्व /18/81

तारीख 4-2-1981

(जिसमें पूर्वक्षण के लिए सूमि अधिसूचित की गई है)

खण्ड	ग्राम	धाना	धाना सं०	जिला	क्षेत्र	टिप्पणी
क	हजारी गोमया	112	गिरी- धीह		55.00 भाग	
क	हजारी गोमया	112	गिरी- धीह		63.00 भाग	
कुल क्षेत्र:			118.00 एकड़ (लगभग)			
या			47.75 हेक्टर (लगभग)			

खण्ड "क" का सीमा वर्णन :—

सं० १८ रेखा हजारी ग्राम में से होकर जाती है।

सं० १९ रेखा हजारी ग्राम में से होकर जाती है [जो सवांग पुनर्गठन परियोजना के लिए कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के प्रधीन अंजित भूमि की साक्षी सीमा है] और आंरम्भिक बिन्दु "क" पर मिलती है।

सं० २० रेखा हजारी ग्राम में से होकर जाती है (जो माझस और रोड की वक्षी सीमा का भाग है)।

खण्ड

रेखा हजारी ग्राम में से होकर जाती है [जो बोकारो खण्ड 11 के लिए कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के प्रधीन अंजित क्षेत्र की साक्षी सीमा है] और आंरम्भिक बिन्दु "क" पर मिलती है। खण्ड "क" का सीमा वर्णन

खण्ड

रेखा हजारी ग्राम में से होकर जाती है [जो सवांग पुनर्गठन परियोजना के लिए कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के प्रधीन अंजित क्षेत्र की साक्षी सीमा है]।

खण्ड

[सवांग पुनर्गठन परियोजना के लिए कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9(1) के प्रधीन अंजित भूमि की साक्षी सीमा है]।

खण्ड

रेखा बोकारो नदी के भागस: बाएं किनारे के साप-साथ जाती है।

खण्ड

रेखा हजारी ग्राम में से होकर जाती है।

खण्ड

रेखा हजारी ग्राम और बोकारो नदी में से होकर जाती है।

खण्ड

रेखा हजारी ग्राम में से होकर जाती है।

खण्ड

रेखा हजारी ग्राम में से होकर जाती है (जो बान बोई रोड की वक्षी सीमा का भाग है) और आंरम्भिक बिन्दु "क" पर मिलती है।

[सं० 19/9/81-सी एल]

स्वर्ण सिंह, प्रबर सचिव

New Delhi, the 1st December, 1981

S. O. 3398:—Whereas it appears to the Central Government that Coal is likely to be obtained from the land mentioned in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal.

The plan of the area covered by this notification may be inspected in the office of the Central Coalfields Ltd., (Revenue Section), Darbhanga House, Ranchi (Bihar) or in the Office of the Deputy Commissioner, Giridih (Bihar) or in the Office of the Controller-I, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents, referred to in sub-section (7) of section 13 of the said Act, to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi, (Bihar), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
Hazaril Block
District Giridih (Bihar)
D.R. No. Rev/18/81
dated 4-2-81
(showing land notified for prospecting)

Block	Village	Thana	Thana number	District	Area	Remarks
A	Hazaril	Gomia	112	Giridih	55.00	Part
B	Hazaril	Gomia	112	Giridih	63.00	Part
Total Area : 118.00 acres (approximately)						47.75 hectares (approximately).

BOUNDARY DESCRIPTION OF BLOCK 'A':—

- A-B Line passes through village Hazari.
- B-C Line passes through village Hazari (which forms common boundary of lands acquired under section 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 for Sawang Re-organisation Project).
- C-D Line passes through village Hazari (which forms part of southern boundary of the Mines Board Road).
- D-A Line passes through village Hazari (which forms common boundary of the areas acquired under section 9(1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957, for Bokaro Block II) and meets at starting point 'A'.

BOUNDARY DESCRIPTION OF BLOCK 'B':—

- E-F Line passes through village Hazari (which forms common boundary of land acquired U/s 9(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 for Sawang Re-organisation Project).
- F-G Line passes through village Hazari (which forms common boundary of lands acquired U/s 9(1) of the Coal Bearing Areas (Acquisition & Development) Act, 1957 for Sawang Re-organisation Project).
- G-H Line passes along part left bank of Bokaro River.
- H-I-J-K-L Lines pass through village Hazari.
- L-M Line passes through village Hazari and Bokaro River.
- M-N Line passes through Bokaro River and village Hazari.
- N-O-P Lines pass through village Hazari.
- P-E Line passes through village Hazari (which forms part of Southern boundary of Mines Board Road and meets at the starting point 'E'.

[No. 19/9/81-CL]
SWARAN SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 23 नवम्बर, 1981

का० आ० 3399.—यतः भारतीय नरिंग परिषद् ने भारतीय नर्सिंग परिषद् अधिनियम, 1947 (1947 का 48) की धारा 10 की उप-धारा (2) के अनुसरण में 25 नवम्बर, 1980 को ही बैठक में पारित प्रस्ताव द्वारा यह घोषित किया है कि सशस्त्र सेवा विकास सेवा परीक्षा बोर्ड, नई दिल्ली द्वारा 11 जनवरी, 1975 से प्रवर्त विकास नर्सिंग विज्ञान उक्त अधिनियम के प्रयोजनों के लिए साम्यता प्राप्त उच्चतर घोर्हता है।

प्रोत्तर यतः उक्त अधिनियम की धारा 15 की उप-धारा (1) द्वारा स्थानेकाल उक्त प्रस्ताव को भारतीय नर्सिंग परिषद् की 5 मार्च, 1981 की अधिसूचना संख्या 11-1/76-आई एन सी के साथ सरकारी राजपत्र में प्रकाशित कर दिया गया है;

यतः अब उक्त अधिनियम की धारा 15 की उप-धारा (2) के अनुसरण में केन्द्रीय सरकार एवं द्वारा उक्त अधिनियम की अनुसूची में निम्नलिखित घोर संशोधन करती है ताकि इसे उक्त घोषणा के प्रभुत्व प्राप्त कर सके, घर्तात् :—

उक्त अधिनियम की अनुसूची के भाग-2 में सीर्प "मान्यताप्राप्त उच्चतर घोर्हता" के भागीय प्रविष्टि 31 के बाव निम्नलिखित प्रविष्टि स्वाक्षिण की जाएगी घर्तात् :—

"32. सशस्त्र सेवा विकास सेवा 11 जनवरी, 1975 को या इसके परीक्षा बोर्ड, नई दिल्ली। बाव प्रवर्त विकास नर्सिंग का पोट सर्टिफिकेट डिप्लोमा।"

[सं० श० 14015/1/81-पी० एम० एस०]
एन० ए० सुविधापी, घबर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 23rd November, 1981

S.O. 3399.—Whereas the Indian Nursing Council has, by a resolution passed at meeting held on the 25th November, 1980 in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947) declared that the Diploma in Orthopaedic Nursing granted by the Armed Forces Medical Services Examination Board, New Delhi, with effect from the 11th January, 1975, shall be recognised as Higher qualification for the purposes of the said Act;

And whereas the said resolution has been published in the Official Gazette with the notification of the Indian Nursing Council No. 11-1/76-INC, dated the 5th March, 1981 as required by sub-section (1) section 15 of the said Act;

Now, therefore, in pursuance of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendment in the schedule to the said Act, so as to bring it into accord with the said declaration, namely:—

In the Schedule to the said Act, in part-II under the heading "Recognised Higher Qualification", after entry 31, the following entry shall be inserted, namely:—

"32. Armed Forces Medical Service Examination Board, New Delhi.	Post Certificate Diploma in Orthopaedic Nursing granted on or after the 11th January, 1975".
---	--

[No. V.14015/1/81-PMS]
N. A. SUBRAMONEY, Under Secy.

नई दिल्ली, 30 नवम्बर, 1981

का० आ० 3400—भारतीय धार्युक्तान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 13 की उपधारा (4) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा भारतीय धार्युक्तान परिषद् से प्राप्त निम्नलिखित संशोधन करती है, घर्तात् :—

उक्त अधिनियम की तीसरी अनुसूची के भाग-II के भूमि में निम्नलिखित प्रविष्टियाँ जोड़ी जाय, घर्तात् :—

"स्थानीय विकास कान स्टेट मेडिकल इंस्टीट्यूट, यू० एस० एस० आर०"

[सं० श० 11016/3/80-एम० ई० (नीति)]
पी० सी० जैन, घबर उपिच

New Delhi, the 30th November, 1981

S.O. 3400.—In exercise of the powers conferred by sub-section (4) of section 13 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in part II of the Third Schedule to the said Act, namely :

In part II of the Third Schedule to the said Act, the following entries shall be added at the end, namely :—

"General Physician Restov-on-Don State Medical Institute, U.S.S.R.".

[No. V. 11015/5/80-M.E. (Policy)]
P. C. JAIN, Under Secy.

शिक्षा और संस्कृति मंत्रालय

(संस्कृति विभाग)

नई दिल्ली, 28 नवम्बर, 1981

का० आ० 3401.—राजमाया (सघ के सरकारी प्रयोजनों के लिए प्रयोग) नियमांशी, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार एनव्हारा भारतीय पुरातत्व सर्वेक्षण के निम्नलिखित कार्यालयों को, जिनके स्थान ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

- (1) सहायक अधीक्षक पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, बोध गया संस्कृति, गया।
- (2) सहायक अधीक्षक, पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, वैशाली संस्कृति, वैशाली।
- (3) उपाधीक्षक पुरातत्वविद् का कार्यालय, भीमा शुल्क, भारतीय पुरातत्व सर्वेक्षण, पालम हवाई अड्डा, नई दिल्ली।

[मं० एफ० 28-2/81-सामान्य]
एम० एल० कौशल, उप सचिव

MINISTRY OF EDUCATION AND CULTURE

(Department of Culture)

New Delhi, the 28th November, 1981

S.O. 3401.—In pursuance of Sub-rule (4) of rule 10 of the Official Language (use of official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the Archaeological Survey of India, the staff whereof have acquired the working knowledge of Hindi :—

- (1) Assistant Superintending Archaeologist, Archaeological Survey of India, Baudh Gaya Museum, Gaya.
- (2) Assistant Superintending Archaeologist, Archaeological Survey of India, Vaishali Museum, Vaishali.
- (3) Office of the Dy. Superintending Archaeologist, Customs, Archaeological Survey of India, Palam Air-port, New Delhi

[No. F. 28-2/81-Genl.]
S. L. KAUSHAL, Dy. Secy.

नौवाहन और परिवहन मंत्रालय

(परिवहन संघ)

नई दिल्ली, 28 नवम्बर, 1981

का० आ० 3402.—केन्द्रीय सरकार, डॉक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, डॉक निकासी और प्रयोग कर्मकारों से मन्त्रियन निम्नलिखित करिपय स्कॉम बनाए जाने का प्रस्ताव करती है।

1025 GI/81—3

जैसा कि उक्त धारा में घोषित है, प्रस्तावित प्रारूप उन सभी अधिकारियों की जानकारी के लिए प्रकाशित किया जा रहा है, जिनके उत्तर प्रबोधित होने की संभावना है। इसके द्वारा सूचित दी जाती है कि उन प्रारूप पर इस अधिसूचित के राजपत्र में प्रकाशित को तारीख से छः मास के पश्चात् विवार किया जाएगा।

उपरोक्त विनियम अवधि से पूर्व प्रालृप को बाबत जो अधिकारी या सुकाव किसी अधिक से प्राप्त होते, केंद्रीय मंत्रालय उन पर विवार करेगी।

1. संचित नाम और प्रारंभ :—

(1) प्राप्त स्कॉम—इस स्कॉम का संचित नाम मुम्बई डॉक निकासी और अप्रेयण कर्मकार (नियोजन का विनियम) स्कॉम, 1981 है (जिसे इसमें इनके पश्चात् स्कॉम कहा गया है)।

(2) यह राजपत्र में प्रकाशित की तारीख को प्रदूष होती।

2. उद्देश्य और लाभ होना :—

(1) इस स्कॉम के उद्देश्य डॉक निकासी और अप्रेयण कर्मकारों के नियोजन की अधिक नियमिता मुनिशिवित करना और डॉक नियोजन व्यापक कर्म का वक्षनापूर्ण पालन करने के लिए डॉक नियोजन और अप्रेयण कर्मकारों की पर्याप्त संवेदन में उपलब्धता मुनिशिवित करना है।

(2) यह स्कॉम मुम्बई पतन से संबंधित है और अनुमूली 1 में यथा उपवर्णित मुम्बई डॉक में निकासी के नियोजन व्यापक नियोजन वाले माल की लदाई, उत्तराई परिवहन में लाने सभी कर्मकारों का लाभ होती है, प्रथम—

(क) ऐसे कर्मकार जो—

(i) प्रत्येक 80 किलो और उससे अधिक की वट्ठी की गाठों और स्थोरा थैना

(ii) बन्दस्थांडों पर उतारे गए और ले जाए गए म्योरा

(iii) आस्थियों और चम्प

(iv) लुने हुए आवातिन थोक स्थोरा की लदाई और उत्तराई सकियमों में लगे हुए हैं।

(ज) डॉक द्वारों के बाहर स्थोरा का परिवहन करते वाले द्वाय डेना चालक

(3) यह स्कॉम खंड 3 में यथापरिभावित रजिस्ट्रीकूत कर्मकारों और रजिस्ट्रीकूत नियोजकों को लाभ होगी।

(4) इस स्कॉम की कोई वाल मारनीय नीतेना शक्तिहीन, मुम्बई के किसी वर्ग या वर्णन के डॉक कर्मकारों की लाभ नहीं होती।

3. परिभाषाएँ :

इस स्कॉम में जब तक कि मंदर्भ में अन्वया अनेकत न हो,—

(क) "अधिनियम" से डॉक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) अधिष्ठित है;

(ज) "प्रसासनिक निकाय" से खंड 4 के एधीन नियुक्त प्रसासनिक निकाय अधिष्ठित है;

(ग) "बोर्ड" से डॉक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) के अधीन गठित मुम्बई डॉक शम बोर्ड अधिष्ठित है;

(घ) "प्रध्याय" से बोर्ड का अध्ययन अधिष्ठित है;

(ङ) "उपाधीक्षा" से बोर्ड का उपाध्यक्ष अधिष्ठित है;

(च) "ईनिक कर्मकार" से कोई ऐसा रजिस्ट्रीकूत डॉक कर्मकार अधिष्ठित है जो मासिक कर्मकार नहीं है;

- (छ) "डॉक नियोजक" से ऐसा व्यक्ति अभिप्रेत है जिसके द्वारा कोई डॉक कर्मकार नियोजित किया जाता है या किया जाना है और इसके अन्तर्गत छंड 15 (1)(च) के अधीन बनाया गया डॉक नियोजकों का समूह भी है;
- (ज) "डॉक कर्म" से स्कीम में संबंधित स्थानों और परिमितों में, उन घरों या बगंतों के डॉक कर्मकारों द्वारा, जिन्हें स्कीम लागू होती है, सामाजिक या जाने वाली संकियाएं अभिप्रेत हैं;
- (झ) "नियोजक रजिस्टर" से स्कीम के अधीन रखा गया डॉक नियोजकों का रजिस्टर अभिप्रेत है;
- (ञ) "श्रम अधिकारी" से छंड 12 के अधीन प्रशासनिक निकाय द्वारा नियुक्त श्रम अधिकारी अभिप्रेत है;
- (ट) "मासिक-कर्मकार" से वह रजिस्ट्रीकृत डॉक कर्मकार अभिप्रेत है जो किसी रजिस्ट्रीकृत नियोजक या ऐसे नियोजकों के समूह द्वारा ऐसी संविदा के अधीन मासिक आधार पर नियोजित किया गया है जिसके पर्यवेक्षण के लिए किसी भी पक्ष से कम से कम एक मास की सूचना अपेक्षित ही;
- (ठ) "कार्मिक अधिकारी" से छंड 5 के अधीन बोर्ड द्वारा नियुक्त कार्मिक अधिकारी अभिप्रेत हैं;
- (ड) "तूल" से ऐसे रजिस्ट्रीकृत डॉक कर्मकारों का कोई पूल अभिप्रेत है जो कार्य के लिए उपलब्ध है और जो तत्समय, मासिक कर्मकारों के रूप में किसी रजिस्ट्रीकृत नियोजक या डॉक नियोजकों के समूह के नियोजन में नहीं है;
- (इ) "रजिस्टर या अभिलेख" से स्कीम के अधीन रखा गया डॉक कर्मकारों का रजिस्टर या अभिलेख अभिप्रेत है;
- (ण) "रजिस्ट्रीकृत डॉक कर्मकार" से वह रजिस्ट्रीकृत डॉक निकासी और अप्रेषण अभिप्रेत है जिसका नाम इस स्कीम की अनुसूची 1 में विविध डॉक कर्म करने के लिए रजिस्टर या अभिलेख में तत्समय प्रविष्ट हो;
- (त) "रजिस्ट्रीकृत नियोजक" से वह निकासी और अप्रेषण नियोजक अभिप्रेत है, जो सीमांशुक कलक्षटर से प्राप्त अनुशासित रखना ही और जिसका याम नियोजकों के रजिस्टर में तत्समय प्रविष्ट हो;
- (थ) "नियम" से डॉक कर्मकार (नियोजन का विनियमन) नियम, 1962 अभिप्रेत है;
- (द) "सत्ताहृ" से पानिवार की मध्यवर्गि से आरंभ होने वाली और उत्तरर्ती शनिवार की मध्यवर्गि को समाप्त होने वाली अधिकारी अभिप्रेत है;

4. प्रशासनिक निकाय—

- (1) केन्द्रीय सरकार, राजपत्र में अधिसूचना द्वारा इस स्कीम का विवरणित का प्रशासन चलाने के प्रयोजन के लिए एसे निकाय जो जिसमें डॉक नियोजक या कोई प्राधिकारी होगा, नियुक्त कर सकेगी।
- (2) प्रशासनिक निकाय बोर्ड तथा अध्यक्ष के पर्यवेक्षण और नियंत्रण के अधीन रखते हुए स्थान छंड 43 के उपबंधों के अधीन रहते हुए दिन प्रतिवित का प्रशासन चलाएगा।
- (3) केन्द्रीय सरकार, उपबंध (1) के अधीन नियुक्त किसी प्रशासनिक निकाय को किसी पर्याप्त कारण के होने पर हटा सकेगी:

परन्तु किसी प्रशासनिक निकाय को तब तक नहीं हटाया जाएगा जब तक कि उसे सुनिवार का युक्तियुक्त अवसर न दे दिया गया हो।

5. कार्मिक अधिकारी और बोर्ड के अन्य सेवक

अध्यक्ष, कार्मिक अधिकारी और ऐसे अन्य अधिकारियों और सेवकों की नियुक्त कर सकेगा और उन्हें ऐसे बेतम तथा भर्तों का संशय कर सकेगा और सेवा के ऐसे नियंत्रण और याते विविधिष्ठ कर सकेगा जो वह उचित मानते:

परन्तु किसी ऐसे पद का सूचन नहीं किया जाएगा जिसका भर्तों को छोड़ कर बेतन 1650 रुपए प्रतिमास और उससे अधिक हो और न हो ऐसे पद पर केन्द्रीय सरकार के पूर्व अनुमोदन के बिना अध्यक्ष द्वारा कोई नियुक्ति की जाएगी;

परन्तु यह और कि हीन मास में अधिक अवधि की छुट्टी के कारण दूर्दि रिक्ति में की जाने वाली नियुक्ति के लिए केन्द्रीय सरकार की मनूरी आवश्यक नहीं होगी।

6. बोर्ड के कुत्य

(i) बोर्ड, छंड 2 में उपविष्ट स्कीम में उद्देश्यों को और आगे बढ़ाने की दृष्टि से ऐसे उपाय कर सकेगा जो वह बांधनीय समझे, जिनके अन्तर्गत :-

(क) जलयामों के त्वरित तथा मितव्ययी रूप से आवागमन को और पत्तन से यात्रा के शीघ्र अभिवृद्धि को सुकर बनाने के प्रयोजन के लिए डॉक श्रमिकों का पर्याप्त प्रशाय और उनका पूर्ण तथा समुद्दिन उपयोग सुनिश्चित करने के;

(ख) डॉक कर्मकारों की भर्ती और स्कीम में उनके प्रवेश तथा सेवो-मूल्कित को विनियमित करने और पूल में रजिस्ट्रीकृत डॉक कर्मकारों का रजिस्ट्रीकृत नियोजकों को आवंटन करने;

(ग) प्रशासनिक निकाय से परामर्श करके समर्थन समय पर रजिस्ट्रों में रजिस्ट्रीकृत डॉक कर्मकारों या अभिलेखों का प्रवधारण और पुनर्विलोकन करने और किसी ऐसे रजिस्टर या अभिलेख की संख्या में बढ़ि करने या कमी करने;

(घ) नियोजक रजिस्टरों को रखने, उनका समायोजन करने और बनाए रखने के उनमें किसी डॉक नियोजक का साम प्रविष्ट करने या पुनर्विलोकन करने और जहाँ परिस्थितियों से ऐसा अप्रोक्ष हो वहाँ, किसी भी रजिस्ट्रीकृत नियोजक का नाम रजिस्टर से या तो स्वयं उसके अनुरोध पर या स्कीम के उपबंधों के अनुमार किसी रजिस्टर या अभिलेख से हटाने;

(ज) समयसमय पर रजिस्ट्रीकृत डॉक कर्मकारों के ऐसे रजिस्टर या अभिलेख, जो आवाग्यक हों, और जिसके अन्तर्गत ऐसे रजिस्ट्रीकृत डॉक कर्मकारों के रजिस्टर या अभिलेख भी हों, जो प्रस्थायी रूप से डॉक कर्म के लिए उपलब्ध नहीं हो और जिसकी अनुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की जा चुकी है, रखने, समायोजन करने और बनाए रखने के तथा जहाँ परिस्थितियों से ऐसा अप्रेक्षित हो वहाँ किसी भी रजिस्ट्रीकृत डॉक कर्मकार का नाम या तो स्वयं उसके अनुरोध पर या स्कीम के उपबंध के अनुमार किसी रजिस्टर या अभिलेख से हटाने ;

(च) सभी रजिस्ट्रीकृत डॉक कर्मकारों का ऐसे समूहों में, जैसा प्रशासनिक निकाय परामर्श करने के पश्चात् बोर्ड द्वारा प्रवधारित किए जाएं, समूहीकरण या पुर्वसमूहीकरण करने के और प्रशासनिक निकाय या रजिस्ट्रीकृत डॉक कर्मकार के आवेदन पर किसी रजिस्ट्रीकृत डॉक कर्मकार के समूहीकरण का पुनर्विलोकन करने;

(छ) जहाँ तक कि ऐसा उपबंध स्कीम से भलग विद्यमान न हो; रजिस्ट्रीकृत डॉक कर्मकारों के प्रधिकारण और कल्याण के लिए जिसके अन्तर्गत विवितीय सेवाएं भी हैं, उपबंध करने;

(ज) स्कीम के व्ययों के सम्बन्ध में रजिस्ट्रीकृत नियोजकों से अधिकारी व्ययों के उद्घारण और उनकी बसूली करने ;

- (म) जहां तक कि ऐसा उपबन्ध स्कीम से अलग विद्यमान न हो, उन स्थानों में, जहां रजिस्ट्रीकूट डॉक कर्मकार नियोजित हों, उनके स्वास्थ्य और सुरक्षा मध्यंधी उपायों के लिए उपबन्ध करने ;
- (ञ) डॉक कर्मकार कल्याण निधि को बनाए रखने और उसका प्रबन्ध करने तथा सभी रजिस्ट्रीकूट नियोजकों से डॉक कर्मकार कल्याण निधि के लिए भविष्याओं की वसूली करने ;
- (ट) रजिस्ट्रीकूट डॉक कर्मकारों के लिए किसी विनिर्दिष्ट प्रयोजन के लिए सृजित भविष्य निधि, उपाय निधि, कोई स्वच्छया भेदा-निवृत्ति निधि और अन्य निधि या निधियों को बनाए रखने या उनका प्रबन्ध करने ;
- (ठ) धन उधार लेने या धन जटाने और डिवेंचर पर अन्य प्रतिशृंखलाओं पुरोधन करने और बहुग्रन्थ या बाध्यता को प्रतिभूत करने के प्रयोजन के लिए, बोर्ड की ममस्त सम्पत्ति या उसके किसी भाग को बंधक रखने या प्रभारित करने ;

के उपाय होंगे ।

(२) बोर्ड की किसी भी स्वीत से होने वाली आय और उसकी सम्पत्ति का उपयोजन पूर्णतया स्कीम के उद्देश्यों की पूर्ति के लिए ही किया जाएगा । उद्देश्यों के अन्तर्गत रजिस्ट्रीकूट डॉक कर्मकारों के स्वास्थ्य, सुरक्षा, प्रशिक्षण और कल्याण के उपाय भी हैं (जिनमें डॉक कर्मकारों और बोर्ड के कर्मचारियों के अन्य कार्यों के लिए बनाई गई सहकारी सोमाइटियों को आग के अनुदान के रूप में या अन्यथा सहायता भी है) तथा उस आय और सम्पत्ति का कोई भी भाग बोर्ड के सदस्यों को प्रत्यक्षतः या अप्रत्यक्षतः लाभांश, बोनस के रूप में या अन्यथा संदर्भ या अन्तरित नहीं किया जाएगा ।

परन्तु इस उपखण्ड की कोई भी आत बोर्ड के किसी अधिकारी या सेवक को बोर्ड के लिए अस्तुतः की गई किसी सेवा के लिए युक्तियुक्त और उचित पारिश्रमिक के संदाय से नहीं रोकेगी, न ही किसी सदस्य द्वारा बोर्ड को उधार दिए गए धन पर उचित दर से व्याज के या पद्दे पर या किराए पर दिए गए परिसरों के लिए उचित और पर्याप्त किराए के संदाय से रोकी और न बोर्ड के कर्मचारियों के लिए कल्याणकारी उपायों पर, यदि कोई हों, व्यय से ही रोकेगी ।

(३) बोर्ड स्कीम के कार्यान्वयन संबंधी खर्च और सभी प्राप्तियों तथा व्ययों के समुचित लेखे रखवाएगा ।

(४) बोर्ड —

- (i) प्रत्येक वर्ष अप्रैल के प्रथम दिन के पश्चात् याचारकाय शीघ्र और इकलौतीम प्रकृत्यावर के अपवाहन इकलौतीस मार्त्त को समाप्त होने वाले पूर्ववर्ती वर्ष के दौरान स्कीम के कार्यकरण के बारे में एक वार्षिक रिपोर्ट संपर्कित तुलनपत्र सहित ; और
- (ii) बोर्ड के अधिकारियों की कार्यवाहियों की प्रतियों, केन्द्रीय सरकार को भेजेगा ।

7. अधिकारियत बोर्ड के उत्तरदायित्व और कर्तव्य —

अधिकारियत बोर्ड नीति सम्बन्धी सभी विषयों को निपटाने के लिए उत्तरदायी होगा और विधिविवरण

- (क) किसी भी प्रवर्ग में विनिर्विष्ट अवधि के लिए विनिर्विष्ट संज्ञा तक कर्मकारों के अस्थायी रजिस्ट्रीकरण की मंजूरी दे सकेगा ;
- (ञ) अध्यक्ष की सिफारिश पर नए नियोजकों के रजिस्ट्रीकरण पर विचार कर सकेगा ;
- (ग) ऐसे प्रवृत्त, भ्रष्टाचार, रजिस्टर, विवरण आदि विहित कर सकेगा जिनका रखा जाना स्कीम के अधीन अपेक्षित हो ;

- (घ) मजदूरी, मत्ते और सेवा की अन्य शर्तें अवधारित कर सकेगा तथा वार्षिक पुनर्विलोकन के पश्चात् किसी भी मास के लिए प्रत्याभूत व्यूनतम मजदूरी पुनर्नियन कर सकेगा ;
- (इ) खण्ड 51 (1) के अधीन उद्ग्रहण की वर नियत कर सकेगा ;
- (च) रजिस्ट्रीकूट नियोजकों द्वारा डॉक कर्मकार कल्याण निधि में किए जाने वाले अभियाय की दर नियत कर सकेगा ;
- (छ) खण्ड 35 के अधीन समितियां नियुक्त, उत्साहित या पुनर्नियन कर सकेगा ;
- (ज) वार्षिक बजट मजूर कर सकेगा ;
- (म) कार्मिक अधिकारी नियुक्त कर सकेगा ;
- (झ) खण्ड 5 के उत्तराधीन के अधीन रहने हुए पदों के सूचन की मंजूरी दे सकेगा ;
- (ट) अनुसूची 1 में परिवर्तनों के बारे में केन्द्रीय सरकार को सिफारिशें कर सकेगा ;
- (ठ) स्कीम में किसी उपलब्धि के बारे में केन्द्रीय सरकार को सिफारिशें कर सकेगा ;
- (उ) उत्तराधीन कार्य कर सकेगा जिनकी आवश्यक संविधित पक्षकारों द्वारा केन्द्रीय सरकार को स्वायत्तिर्थन के लिए निवेदन किया गया हो और ऐसे प्रयावरों की रिपोर्ट सरकार को कर सकेगा ;
- (ऋ) श्रमिकों के काम की मात्रा और पोतों के आशागमन के आकड़ों पर विचार-विमर्श कर सकेगा तथा अपनी टीका-टिप्पणियां और निवेदन अधिविष्ट कर सकेगा ;
- (ऋ) ऐसे अनुग्राहित बैंकों में, जिन्हें वह निर्दिष्ट करे, ज्ञाने खोलने की ओर ऐसे अविकल्पों द्वारा, उन्हें बोर्ड समय-समय पर निर्दिष्ट करे, ऐसे खातों को चालू रखने की मंजूरी दे सकेगा ; और
- (त) विनिर्दिष्ट प्रयोजनों के लिए निधि या निधियों की मंजूरी दे सकेगा और उन्हें सूचित कर सकेगा ।

8 वार्षिक प्राकलन—अध्यक्ष प्रत्येक वर्ष फरवरी के अन्त के पूर्व जिन्हें ज्ञाने वाले विवेक अधिकारियत में, इस स्कीम के खण्ड II के अधीन, आगामी अंतस, के प्रथम दिन को प्रारम्भ होने वाले वर्ष के लिए, प्रशासनिक निकाय से यथा प्राप्त वार्षिक बजट को ऐसे औरों महिने भीर ऐसे प्रलूप में जिन्हें बोर्ड समय-समय पर विहित करे, बोर्ड के मध्य रखेगा । बोर्ड इस प्रकार उसे पेश किए गए प्राकलन पर विचार करेगा, और, उसके पेश किए जाने के चार सप्ताह के भीतर उसे या तो अपरिवर्तित ही या ऐसे परिवर्तनों के अधीन रहते हुए जिन्हें वह ठीक समझ, मंजूर करेगा ।

9. अध्यक्ष के उत्तरदायित्व और कर्तव्य—(१) अध्यक्ष को स्कीम के दिन-प्रतिदिन के प्रशासन से संबद्ध सभी विषयों तथा विनिर्दिष्टतया निम्नलिखित के संबंध में कार्यवाही करने के लिए पूर्ण प्रशासनिक और कार्यपालिक शक्तियां होंगी, अर्थात् :-

- (क) यह सुनिश्चित करना कि कर्मकार रजिस्टरों के समावोजन की आवश्यकता के विनिष्पत्यों को सत्प्रतापूर्वक कार्यान्वयन किया जाता है ;
- (ख) यह सुनिश्चित करना कि कर्मकारों के अस्थायी रजिस्ट्रीकरण के लिए मंजूरी को दिना किसी विलंब के कार्यान्वयन किया जाता है ;
- (ग) (i) प्रशासनिक निकाय के कार्य का पर्यवेक्षण और नियंत्रण करना ;
- (ii) यदि उसे किन्हीं अनियमितताओं का पता लगे या उसकी जानकारी में लाइ जाए तो यथोचित कदम उठाना ;

- (अ) यह सुनिश्चित करना कि कर्मकारों के स्थानान्तरण और उनकी प्रोफेशन के बारे में स्कीम के उपबन्धों को, कार्यान्वयन किया जाता है;
- (इ) जब अप्रेसिट हो, चिकित्सा बोर्ड का गठन करना;
- (च) यह सुनिश्चित करना कि नियोजकों के रजिस्ट्रीकरण के लिए स्कीम में अधिक सत्रों का पालन नियोजकों द्वारा किया जाता है;
- (छ) यह सुनिश्चित करना कि स्कीम के अधीन विहित सभी प्रलेप, रजिस्टर, विवरणियां और वस्तविक उचित रूप में बनाए या रखे जाने हैं;
- (ज) यह सुनिश्चित करना कि अमिकों के काम को मत्रा और पौर्णता के प्रावधान के बारे में यथोचित आर्काइव संकलन किए जाते हैं और अनुचित टिप्पणियों और स्पष्टीकरण सहित निमाही रूप से बोर्ड के समक्ष पेश किए जाते हैं;
- (झ) (i) ऐसे पदों के सूचन की मंजूरी देना जिनका भर्तों के अतिरिक्त प्रधिकरण वेतन एक हजार छह सौ पचास रुपए प्रतिमास नक है;
- (ii) ऐसे पदों पर नियुक्तियां करना जिसमा अधिकतम वेतन भर्तों के अतिरिक्त एक हजार छह सौ पचास रुपए प्रतिमास है;
- (ज) इस स्कीम के उपबन्धों के अनुसार कर्मकारों और नियोजकों के विवेद अनुशासनिक कार्रकार करना;
- (ट) प्रति कर्मकार प्रति सप्ताह या प्रतिमास पारियों की अधिक संख्या को विधिसंगत करना, अनुमोदन करना और बोर्ड को ऐसे मामलों की रिपोर्ट करना;
- (ठ) इस बात की घोषणा करना कि "धीरे काम करो" नीति अपनाई गई है और स्कीम के अधीन प्रविष्ट रूप से कार्रवाई करना;
- (ड) "आपालाकालीन स्थिति" घोषित करना और स्कीम के अधीन प्रविष्ट रूप से कार्रवाई करना;
- (इ) जब आवश्यक हो, डॉक कर्मकार (नियोजन का विनियम) विषय, 1962 के विषय 5 के अंतर्गत केन्द्रीय सरकार को रिपोर्ट करना;
- (ण) जैसा कि स्कीम में उपबन्धित है, नियोजक या कर्मकार के अनुरोध पर, किसी मासिक कर्मकार के आरंभिक पूर्ण में स्थानान्तरण की मंजूरी देना;
- (त) छम्ब 46 और 47 के अधीन कर्मकारों और नियोजकों की अपीलों पर कार्रवाई करना;
- (थ) उपाध्यक्ष पद की एक माल से कम की प्रबलिये के लिए प्रबल्यासित दिनिकों को भरना और उपर्युक्त प्रतिकूल प्रबल्यासित के लिए केन्द्रीय सरकार को ऐसे मामले की रिपोर्ट करना, और;
- (द) विभिन्न प्रबलों के अधीन रजिस्ट्रीकृत किए जाने को संभालना;
- (घ) केन्द्रीय सरकार के पूर्व अनुमोदन से, रजिस्टर और प्रत्याशित दिनिकों के आवधिक पुनर्विलोकन के पश्चात् समयन्यता पर, जैसा आवश्यक हो, रजिस्टर में वर्ती किसी प्रबल के कर्मकारों की संख्या बढ़ाना या घटाना;
- (म) अनुशासनिक कार्यवाहियों के कारण किसी नियोजक को निलम्बित किए जाने या हटाए जाने पर, यदि आवश्यक पाता जाए तो उन्हें नियोजकों के रजिस्ट्रीकरण पर विचार करना; और
- (प) उन सभी अन्य कर्तव्यों और उत्तरदायित्वों का निर्वहन करना जो स्कीम के अधीन अध्यक्ष में विनिर्दिष्ट निहित हैं।

(2) अध्यक्ष उपबन्ध (1) के अधीन कुल्यों में से उन कुल्यों के विवाय जो मद श.(i), श.(ii), (ठ), (इ), (त), (थ), (द), (ध), (न) और (प) में वर्णित हैं, किन्तु कुल्यों को उपाध्यक्ष को लिखित रूप में प्रत्यायोजित कर सकेगा। किन्तु ऐसा प्रत्यायोजित अध्यक्ष को उसकी शक्तियों से निनिहित नहीं करेगा।

10. उपाध्यक्ष के उत्तरदायित्व और कर्तव्य—उपाध्यक्ष बोर्ड का पूर्ण कालिक प्रधिकारी होगा और अध्यक्ष की उसके कुल्यों के निर्वहन में सहायता करेगा तथा विविधतः :-

- (क) रजिस्ट्रीकृत नियोजकों और डॉक कर्मकारों के विवद अनुशासनिक कार्रवाई संबंधी एने कुल्यों का निर्वहन करेगा जो खण्ड 43 के अधीन अनुमोदित हैं;
- (ख) ऐसे अन्य कुल्य करेगा जो उसे अध्यक्ष द्वारा निभित में प्रत्यायोजित किए गए हों;
- (ग) बोर्ड की उन समितियों के अध्यक्ष के रूप में कार्य करेगा जिनमें वह सदस्य के रूप में नामनिर्दिष्ट किया जाएगा;
- (घ) अध्यक्ष की प्रतुपस्थिति में बोर्ड के अधिवेशनों का समाप्तिव करेगा; और
- (ङ) यदि कर्मकारों के नियोजकों के प्रशासनिक निकाय का गठन न हुआ हो तो खण्ड 12 में यवा अधिकारित प्रशासनिक निकाय के कुल्यों का पानन करेगा; और
- (च) उन पदों पर नियुक्तियां करेगा जिनका भर्तों के अतिरिक्त प्रधिकरण वेतन एक हजार दो सौ पचास रुपए प्रतिमास से अधिक न हो।

11. प्रशासनिक निकाय के कुल्य—अध्यक्ष और उपाध्यक्ष की शक्तियों और कुल्यों पर प्रतिकूल प्रभाव आले विना प्रशासनिक निकाय इस स्कीम के प्रशासन के लिए उत्तरदायी होगा और विविधता निभित किया जाएगा :-

- (क) नियोजक-रजिस्टर रखना, समयन्यता नियोजित करना, और बनाए रखना, किसी डॉक कर्मकार के नाम के उसमें प्रविष्ट या पुनः प्रविष्ट करना तथा, जहां परिस्थितियों से भरोसित हो, किसी रजिस्ट्रीकृत नियोजक का नाम, या तो उसके प्रपते अनुरोध पर या स्कीम के उपबन्धों के अनुसार, उस रजिस्टर से हटाना;
- (ख) समयन्यता पर डॉक कर्मकारों के ऐसे रजिस्टर या अभिलेख जो आवश्यक हों और जिनके अन्तर्गत उन डॉक कर्मकारों के रजिस्टर या अधिवेश भी हैं जो प्रत्यायों तौर पर डॉक कर्म के लिए उपलब्ध नहीं हैं और जिनकी प्रतुपस्थिति प्रशासनिक निकाय द्वारा अनुमोदित की जा चुकी हैं, रखना, समयन्यता नियोजित करना और बनाए रखना तथा, जहां परिस्थितियों से अप्रेक्षित हो, किसी रजिस्ट्रीकृत डॉक कर्मकार का नाम या तो उसके प्रपते नियोजन पर या स्कीम के उपबन्धों के अनुसार किसी रजिस्टर वा अभिलेख से हटाना;
- (ग) जब काम के लिए उपलब्ध रजिस्ट्रीकृत डॉक कर्मकार स्कीम के अनुसार प्रव्याप्त नियोजित न हो तब उसका नियोजित और निर्यातन करना;
- (घ) बोर्ड से प्राप्त अनुदण्ड के अनुसार रजिस्ट्रीकृत डॉक कर्मकारों का ऐसे ममूलों में, जो बोर्ड द्वारा अधिकारित किए जाएं, समूहीकरण या पुनर्समूहीकरण करना;
- (ङ) काम के लिए उपलब्ध पूलगन-रजिस्ट्रीकृत डॉक कर्मकारों का रजिस्ट्रीकृत नियोजकों को आवंटन और इस प्रयोजन के लिए प्रशासनिक निकाय—
- (i) नियोजक के अभिकर्ता के रूप में कार्य करता हुआ समाप्त जाएगा,

- (ii) पूलगम-रजिस्ट्रीकून डॉक कर्मकारों का पूर्णतः संभव उपयोग करेगा,
 - (iii) हाजिरी केंद्रों और नियंत्रण केंद्रों पर रजिस्ट्रीकून डॉक कर्मकारों की हाजिरी का अधिलेख रखेगा,
 - (iv) नियोजक और उपार्जन के अधिलेखों को रखने की व्यवस्था करेगा।
 - (v) खण्ड 29 (3) के अधीन ब्रावोनक्रम से काम के आवंटन के अधीन रहने हुए खण्ड 19 के अनुसार कर्मकारों का आवंटन करेगा, और
 - (vi) ऐसा कि खण्ड 27 में अधिकथित है, भारक्षित पूलगत कर्मकारों के हाजिरी काड़ों और मजदूरी पर्चियों में आवश्यक प्रतिक्रियाएँ करेगा;
- (c) (i) उम उद्घरण, डॉक कर्मकार कल्पाण-निधि के अधिदाय या किसी अन्य ऐसी निधि में, जो स्कीम के अधीन स्थापित की जाए, कर्मकारों के अधिदाय का संभरण ;
- (ii) भविष्यनिधि, बीमा निधि या किसी अन्य ऐसी निधि में, जो स्कीम के अधीन स्थापित की जाए, कर्मकारों के अधिदाय का संभरण ;
- (iii) रजिस्ट्रीकून नियोजक के अधिकर्ता के रूप में, प्रत्येक दैनिक कर्मकार को नियोजक द्वारा उचित रूप से देय कुल उपबन्धों का संबाय और उन कर्मकारों को बोर्ड द्वारा इस स्कीम के उपबन्धों के अनुसार संवेद सभी रकमों का संदर्भ ;
- (d) बजट उपबन्धों के अधीन रहने हुए ऐसे अधिकारियों और सेवकों को समय समय पर, जो आवश्यक हो, नियुक्त करना ;
- (e) स्कीम को कार्यान्वित करने के बार्च के बीर उमके अधीन सभी प्राप्तियों और व्ययों के उचित लेखे रखना। तथा वार्षिक रिपोर्ट और संपरीक्षित तुलनपत्र तैयार करना और उन्हें बोर्ड को पेश करना ;
- (f) प्रतिवर्ष बजट बनाना, प्रत्येक वर्ष करबरी के पश्चात् दिन या उमसे पहुंचे उसे बोर्ड को पेश करना और बोर्ड ने उसे अनुमोदित करना ;
- (g) सभी रजिस्ट्रीकून डॉक कर्मकारों के पूरे सेवा अधिलेख रखना, और
- (h) ऐसे अन्य कृत्य जो, इस स्कीम के उपबन्धों के अधीन समय समर पर, बोर्ड, अधिकारी या उपाधिकारी द्वारा उसे सौंपे जाएं।

12. श्रम अधिकारी—प्रशासनिक निकाय, उम दशा में जब उममें डॉक कर्मकारों के नियोजक हों, बोर्ड के अनुमोदन से एक श्रम अधिकारी या श्रम अधिकारियों की नियुक्ति करेगा। श्रम अधिकारी, प्रशासनिक निकाय के पर्यवेक्षण और नियंत्रण के अधीन, ऐसे कृत्यों का पालन करेगा जो उसे निकाय द्वारा सौंपे जाएं और जो स्कीम के उपबन्धों से सुरक्षित हों।

13. कार्मिक अधिकारी के हृत्य—कार्मिक अधिकारी साधारणतया उपाधिकारी की, उमके कर्तव्यों के निर्वहन में, सहायता करेगा और विशिष्ट-तथा खण्ड 43 के अधीन उममें निहित हैं, कृत्यों का पालन करेगा।

14. स्कीम के समुचित कार्यकरण के लिए केन्द्रीय सरकार द्वारा नियुक्त अधिकारी—(1) खण्ड 4, 5, 11 और 13 के उपबन्धों के होते हुए भी, केन्द्रीय सरकार समय समय पर बोर्ड के अधाय पर वनामधीय करके, स्वचिवेकानुसार एक या अधिक अधिकारी नियुक्त कर सकती और ऐसे अधिकारी या अधिकारियों को ऐसे कृत्य सौंप सकती जो वह स्कीम के समुचित कार्यकरण के लिए ठीक समझती हो।

(2) उपबन्ध (1) के अधीन नियुक्त ऐसा या ऐसे अधिकारी अध्यक्ष के सामान्य पर्यवेक्षण और नियंत्रण के अधीन होगा/होंगे और उम/उन्हें बोर्ड की निधि से संबाय किया जाएगा। ऐसा अधिकारी या ऐसे अधिकारी ऐसी कालाधिधि पर्यन्त और उन निवधनों और शर्तों पर पद धारण करेगा/करेंगे जो केन्द्रीय सरकार अवधारित करे।

15. रजिस्टरो आदि का बनाए रखा जाना—(1) नियोजक-रजिस्टर-(क) नियोजकों का एक रजिस्टर होगा।

(a) जहां तक इस स्कीम का निकासी और अप्रेवण कर्मकारों को नहाने होने का संबंध है, ऐसा नियोजक जो स्कीम के प्रारंभ होने की तारीख को मुख्य रजिस्ट्रीकून डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1973 के अधीन सूची में हो, और जिसके पास सीमा यात्रक कलकटर द्वारा उम नारीख को जारी की गई सीमायात्रक गृह अधिकर्ता अनुकृति हो, उम इस स्कीम के अधीन रजिस्ट्रीकून समझा जाएगा।

(g) मद (a) के अधीन रजिस्ट्रीकून समझे गए व्यक्तियों को तब तक नियोजकों के रूप में रजिस्ट्रीकून नहीं किया जाएगा जब तक कि बोर्ड ऐसा करना समीक्षीय और आवश्यक न समझे।

(d) यदि किसी रजिस्ट्रीकून नियोजक की अनुज्ञित कलकाना पत्तन आयुक्तों द्वारा नवीकून न की जाए तो उसके परिणामस्वरूप नियोजक का नाम नियोजकों के रजिस्टर से ब्राप में आप से निलंबित हो जाएगा।

(e) वह रजिस्ट्रीकून नियोजक विसके पास वो क्रमबन्धीय वयों तक काम न हो, बोर्ड को संबंधित किए जाने के लिए योग कियो हो यदि व्यक्ति के व्यावधारों पर प्रतिकूल प्रभाव डाले जिन नियोजकों के रजिस्टर में अन्तरा नहाए जाने के दायित्वाधीन होंगा।

(f) बोर्ड, ऐसी शर्तों के अधीन जिन्हे वह केन्द्रीय सरकार के पूर्वानुमोदन से इस निमित्त विनिर्दिष्ट करे, मद (ब) या (ग) के अधीन रजिस्ट्रीकून व्यक्तियों को एक या अधिक समूह व्यावधारों की अनुज्ञा दे सकता और उस प्रकार यानाया गया प्रायें न सूच, मासिक कर्मकारों के नियोजन के लिए एक ही ऐसी नियोजक माना जाएगा :

परन्तु बोर्ड को केन्द्रीय सरकार के पूर्वानुमोदन में ऐसे परिवर्तन या उपायान करने की शक्ति होगी जिन्हें वह समय समय पर आवश्यक समझे :

परन्तु यह और कि बोर्ड, नियोजकों के किसी समूह को वी गई अनुज्ञा, उम नारीख में जो वह विनिर्दिष्ट करे, प्रतिवर्ष त कर सकता यदि नियोजकों के समूह को उम प्रस्थापना के विनाय हेतुक दर्शात करते का अवसर देने के पश्चात्, और उमके अस्थापेदनों पर, यदि यदि कोई हो, विचार करते के पश्चात्, बोर्ड का यह समाधान हो जाता है कि नियोजकों का समूह बनाने के लिए विनिर्दिष्ट शर्तों के पालन में नियोजकों का समूह भागत: या पूर्णतः अनकूल रहा है और उपरुपरि उक्त समूह ऐसी तारीख से विशिष्ट हो जाएगा।

(2) कर्मकार-रजिस्टर—

कर्मकारों के रजिस्टर यथा निम्नविवित होगे :

- (i) मासिक-रजिस्टर—ऐसे कर्मकारों का रजिस्टर जो प्रत्येक रजिस्ट्रीकून नियोजक द्वारा मासिक आधार पर ठेके पर नियोजित किए जाने हैं और जो मासिक कर्मकारों के रूप में जाने जाते हैं;
- (ii) पूल-रजिस्टर—उन मासिक रजिस्टरसंगत कर्मकारों से मिल कर्मकारों का रजिस्टर जो पूलगत कर्मकारों के रूप में जाने जाते हैं।

16. रजिस्टरगत कर्मकारों का वर्गीकरण—(1) बोर्ड रजिस्टरगत कर्मकारों के प्रवर्गनुसार वर्गीकरण की व्यवस्था करेगा

(2) स्कीम के अधीन रजिस्ट्रीकून डॉक कर्मकार निम्ननिवित रूप से वर्गीकृत किए जाएंगे।

(क) मूलदम

(ख) निकासी और प्रदेशन मजदूर।

(3) (क) जहाँ कर्मकारों की कमी हो वहाँ अध्यक्ष को किसी प्रबंग में के अधिशेष कर्मकारों को किसी अन्य प्रबंग के अधीन मुम्बई डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956 या मुम्बई खालील उठाई-धरणी कर्मकार (नियोजन का विनियमन) स्कीम, 1973 के अन्तर्गत आने वाले कर्मकार प्रबंगों में से किसी के अधीन इस शर्त के अधीन रहते हुए अभिनियोजित करने की शक्ति होगी कि ऐसे अभिनियोजन से पूर्व सेवा में प्राप्त मजदूरी में कमी या प्रसुविधा का नुकसान नहीं होगा।

टिप्पणी :—यदि ऐसा प्रबंग या स्कीम जिसमें कमी है, निम्ननम भागी या प्रसुविधा वाला है तो अन्तरण ज्येष्ठा के आधार पर होगा, कनिष्ठानम व्यक्तियों को अन्तरित किया जाएगा और उनके द्वारा उपयुक्त मजदूरियों और प्रसुविधाओं को इस प्रकार संरक्षित किया जाएगा मानो वे उनकी व्यक्तिगत मजदूरी और प्रसुविधाएं हैं।

(ख) अध्यक्ष को बोर्ड के अनुमोदन से इस स्कीम में किसी अधिशेष कर्मकार को भी उस पतन व्यास के अधीन जिसमें कमी है, नियोजित समूह टट कर्मकार के सुसंगत प्रबंगों के छत्यों का पालन करने के लिए इस बात के अधीन रहते हुए अभिनियोजित करने की शक्ति होगी कि ऐसे अभिनियोजन से पूर्व सेवा से प्राप्त मजदूरी में कमी या प्रसुविधा का नुकसान नहीं होगा।

17. रजिस्टरगत कर्मकारों की संख्या का नियन्त्रण—

(1) (क) अध्यक्ष, प्रशासनिक निकाय से परामर्श और केन्द्रीय सरकार के पूर्व अनुमोदन से, किसी प्रबंग में रजिस्ट्रीकरण किए जाने से पूर्व इस प्रबंग में कर्मकारों की अपेक्षित संख्या अवधारित करेगा।

(ख) अध्यक्ष, प्रत्येक प्रबंग में अपेक्षित कर्मकारों की संख्या का आवधिक पुनर्विलोकन करेगा और ऐसी संख्या का समायोजन करने के लिए केन्द्रीय सरकार के पूर्व अनुमोदन से समुचित कार्रवाई करेगा।

(2) अध्यक्ष प्रशासनिक निकाय से परामर्श नके और केन्द्रीय सरकार के अनुमोदन के अधीन रहते हुए प्रत्येक प्रबंग के लिए अपेक्षित कर्मकारों की संख्या कालिक रूप से अवधारित करेगा और सबनुसार कर्मकारों के रजिस्टरों का समायोजन करने की व्यवस्था करेगा।

(3) कोई रजिस्ट्रीकून नियोजक या नियोजकों का समूह ऐसी शर्तों के अधीन रहते हुए जो इस नियम बोर्ड द्वारा विनियिष्ट की जाए, पूलगत कर्मकारों की संख्या बढ़ा सकेगा।

18. विद्यमान और नए कर्मकारों का रजिस्ट्रीकरण—

(1) (क) कोई डॉक कर्मकार, जो स्कीम के प्राप्ति की तारीख को, मुम्बई अरजिस्ट्रीकून डॉक निकासी और प्रदेशन कर्मकार (नियोजन का विनियमन) स्कीम, 1973 के अधीन, पहले से ही सुर्चिक्षा हो, उसे स्कीम के अधीन रजिस्ट्रीकून समझा जाएगा।

(ख) नए रजिस्ट्रीकरण के लिए ग्रहित वह होगी जो स्थानीय परिस्थितियों को व्याप्त में रखते हुए बोर्ड द्वारा विनियिष्ट किये जाए किन्तु (ग्राम 40 वर्ष से प्राप्ति नहीं होगी) केवल मारकारी राठिक ही,

जो शारीरिक रूप से स्वस्थ, समर्थ हों और अनुभव रखते हों, रजिस्ट्रीकरण के पात्र होंगे।

परन्तु भूतपूर्व सेनिक कामिकों के मामले में ग्रामीणी, डॉक श्रम बोर्ड द्वारा 45 वर्ष तक शिथिन की जा सकेगी।

(2) बोर्ड, भूमध्य-समय पर ऐसी कालावधि के लिए और मेवा के ऐसे निवधनों और गतियों पर जिन्हें बढ़ विनियिष्ट करे कर्मकारों के प्रस्थायी रूप से रजिस्ट्रीकरण की अनुमति दें सकेगा।

परन्तु प्रस्थायी रूप में रजिस्ट्रीकून कर्मकार बण्ड 31 के अधीन उपस्थिति भत्ता के हकदार होंगे और उन्हीं वज्री बाधकाएं होंगी जो पूलगत रजिस्ट्रीकून डॉक कर्मकारों की हैं।

(3) ऐसे किसी भी प्रबंग में जिसमें डॉक कर्मकार पहले से ही स्कीम के अधीन रजिस्ट्रीकून किए जा चुके हों, कोई भी नई भर्ती चाहे वह अस्थायी आधार पर हो या स्थायी आधार पर स्थायी रोजगार कार्यालय में रजिस्ट्रीकून कर्मकारों में से कोई जाएगी। फिर भी, यदि मुम्बई पतन व्यास के द्वारा नियोजित कर्मकारों के किसी वर्ग में अधिशेष रहता है तो ऐसे अधिशेष कर्मकारों को अन्तरित किया जा सकेगा और इस स्कीम के अधीन रजिस्ट्रीकून किया जा सकेगा। अन्तरण के पश्चात प्रध्ययेश्वा किए जाने के बिना रोजगार कार्यालय के रजिस्टर में उपलब्ध उपयुक्त व्यक्तियों की संख्या से अधिक व्यक्तियों की आवश्यकता हो तो रोजगार कार्यालय में उपयुक्त व्यक्तियों की जरूरी किए जाने के पश्चात् सीधी भर्ती की जा सकेगी।

(4) उपबंध (1) की मद (ब) के अधीन रोस्ट्रोहन नए कर्मकार रजिस्टरों में स्थायी आधार पर दर्ज किए जाने से पूर्व एक वर्ष की अवधि के लिए परिवीक्षा पर होंगे।

(5) इस स्कीम के किसी अन्य उपबंध के होते हुए भी बोर्ड को यह यथा हो कि किसी डॉक कर्मकार ने अपने आवेदन में मिथ्या जानकारी देकर या उसमें अपेक्षित कोई जानकारी न दे कर रजिस्ट्रीकरण कर लिया है या जहाँ यह प्रतीत हो कि किसी कर्मकार ने अनुचित या गलत तरीके अपनाकर अपना रजिस्ट्रीकरण कराया है, वहाँ अधिकारीपत्र द्वारा अपनाकर अपना रजिस्टर में हटाए जाने का निरेश दे सकेगा :

परन्तु बोर्ड एसा कोई निरेश देने से पूर्व उसे यह हेतु दर्शित करने का अवसर देगा कि प्रस्थायित निवेश क्यों न जारी किया जाए।

(6) उन अन्य प्रबंगों के रजिस्ट्रीकरण के बारे में, जो स्कीम के प्रारम्भ के पश्चात् अनुमूली 1 में सम्मिलित किए जाएं, निम्ननिवित सिद्धान्त लागू होंगे, अस्थायी :

(क) पूर्वानुसारित अवधारणाओं के आधार पर प्रनतिम रजिस्ट्रीकरण किया जाएगा और केवल यह तथ्य कि कोई कर्मकार पहले से ही पतन में काम कर रहा है, उसे स्वतः ही रजिस्ट्रीकरण का हकदार नहीं बनाएगा ;

(ख) प्रनतिम रजिस्ट्रीकरण पूरा हो जाने के पश्चात् उस प्रक्रम पर स्कीम के अधीन रजिस्ट्रीकून कर्मकारों को प्रीदूषित मजदूरी से भिन्न किसी वित्तीय कापद को अनुशासन किए जाएंगा, वकारुकम से बुकिंग प्रारम्भ कर दी जाएगी।

(ग) आवधिकता का पुनर्निवारण, प्रनतिम रूप से रजिस्ट्रीकून कर्मकारों द्वारा प्राप्त वास्तविक नियोजन को दृष्टि में रखते हुए उह मास के पश्चात् किया जाएगा। और तब प्रनतिम रजिस्ट्रीकरण का तबनुसार समायोजन किया जाएगा और बण्ड 31 के अधीन उपस्थिति भत्ते का संबंध केवल उस समय से प्रारम्भ होगा।

(घ) हन शर्तों के अधीन कार्यकरण की परीक्षा, वकारुकमी बुकिंग के प्रारम्भ के एक वर्ष पश्चात् उन विनों की संख्या नियत करने के विचार से की जाएगी जिनके लिए बण्ड 30 के अधीन प्रत्याभूत अनुसार मजदूरी दी जानी चाहिए। तब से

याने के लिए कर्मकार स्कीम के अधीन सभी कायदों के हकदार होंगे।

(इ) किसी एक मास में उन दिनों की घृतसम संघर्ष के लिए जिनके लिए पहले रजिस्ट्रीकृत प्रवर्गों के कर्मकारों के लिए छण्ड 30 के अधीन मजदूरी को प्रत्याभूत किया गया है, उन प्रवर्गों के कर्मकारों द्वारा स्वतं दावा नहीं किया जाएगा जो स्कीम के प्रवर्तन की तरीख के पश्चात् रजिस्ट्रीकृत किए जाने हैं।

उपर्युक्त मद (इ) में यथा अवधारित ऐसे दिनों की घृतसम संघर्ष मिस्त्र-मिश्र प्रवर्गों के लिए भिन्न-भिन्न हो सकती है।

(च) स्कीम के प्रवर्तन के पश्चात् रजिस्ट्रीकृत किए जाने वाले प्रवर्गों के कर्मकारों की मजदूरी वह होगी, जो बोर्ड द्वारा समय-समय पर नियन्त्रण की जाए।

19. कर्मकारों की निवारण आयु, प्रीति और अन्तरण (1) स्कीम के अधीन किसी कर्मकार की निवारण आयु 55 वर्ष होती।

(2) मासिक कर्मकारों के प्रवर्ग में आकस्मिक रिक्ति से भिन्न कोई नियन्त्रण के लिए पूल में से उसी प्रवर्ग के किसी ऐसे डॉक कर्मकार की प्रीति और अन्तरण द्वारा भरी जाएगा, जिसका चयन रजिस्ट्रीकृत नियोजक या नियोजकों के समूह द्वारा किया गया हो।

स्थानान्तरण—प्रोफेशन की कसीटी माध्यम से नियन्त्रित होती।--

(क) अप्लॉड।

(ख) जिस प्रवर्ग में प्रोफेशन की जाती है उसमें काम के लिए गुण और योग्यता, और

(ग) यिन्हीं सेवाओं का अभिलेख।

टिप्पणी—उसी प्रवर्ग में पूल रजिस्टर से मासिक रजिस्टर में या विपरीत ढंग से स्थानान्तरण प्रोफेशन नहीं समझा जाएगा।

(3) प्रधान या उपाध्यक्ष, पर्याप्ति और विधिमान्य कारणों से, यथास्थिति, नियोजक या कर्मकार की विधित प्रार्थना पर किसी मासिक कर्मकार का पूल में अन्तरित, ऐसे स्थानान्तरण के कारणों की पूर्णतया स्पष्ट करते हुए, अनुकान फर भकें। परन्तु किसी मासिक कर्मकार का पूल में ऐसे स्थानान्तरण इम बात के अधीन रहने हुए होंगा कि मासिक कर्मकार और उसके नियोजक के बीच नियोजक की 'माप्रति' की बाबत अस्थित्यानी संविदा का पालन हो गया हो। कोई भी अन्तरण अध्यक्ष या उपाध्यक्ष के पूर्व अन्योदय के बिना नहीं किया जाएगा।

(4) यदि कोई मासिक कर्मकार, यथास्थिति, उपचारण (3) के अधीन, पूल में अन्तरित या, नियोजित किया जाए तो उसकी पूर्व सेवाओं की गणना पूल के सभी कायदों के लिए की जाएगी और नियोजक कर्मकार की पूर्व सेवा, के संबंध में उसे प्रोद्भूत सभी कायदों की बोर्ड को ऐसे अन्तरित करेगा, मात्रा उस सेवा का अन्तरण ही नहीं हुआ था। नियोजक, विशेष रूप से, बोर्ड को उमरकम का अधिकाय करेगा जो कर्मकार की उत्तरदृष्टि, भविष्य नियन्त्रण और उपाय की बाबत ऐसे अन्तरण की तात्त्विक को शोध्य हो।

20. स्वास्थ्य परीक्षा—(1) रजिस्ट्रीकृत से पूर्व नए कर्मकार की आरेक्ष योग्यता की जांच के लिए निःशुल्क स्वास्थ्य परीक्षा इम प्रयोजन के लिए अध्यक्ष द्वारा नियन्त्रित एक चिकित्सक प्रधिकारी द्वारा की जाएगी। वह कर्मकार, जिसे चिकित्सक प्रधिकारी स्वास्थ्य की वृष्टि से अव्योग्य पाए, चिकित्सा बोर्ड द्वारा परीक्षा के लिए अध्यक्ष को नियन्त्रित करेगा। चिकित्सा बोर्ड का विनियोग्य अस्तित्व हीगा और वह कर्मकार जो स्वास्थ्य की वृष्टि से अव्योग्य है रजिस्ट्रीकृत का हकदार नहीं होगा।

(2) यदि प्रशासनिक निकाय ऐसा आवश्यक समझते हो कर्मकार की स्वास्थ्य परीक्षा अध्यक्ष द्वारा गठित किए जाने वाले चिकित्सा बोर्ड द्वारा

निःशुल्क की जाएगी। चिकित्सा बोर्ड का विनियोग्य अस्तित्व होगा। यदि कोई कर्मकार चिकित्सा बोर्ड द्वारा स्थायी रूप से अव्योग्य पाए जाए तो अध्यक्ष उसकी सेवाएँ तुरन्त समाप्त कर देगा।

21. प्रशिक्षण की मुविधाएँ—बोर्ड, डॉक कर्मकारों के प्रशिक्षण की ऐसी अवस्थाएँ करेगा जो वह आवश्यक मानते।

22. रजिस्ट्रीकृत फोम—स्कीम के अधीन रजिस्ट्रीकृत के समय प्रत्येक कर्मकार द्वारा बोर्ड को वह उपर्युक्त कर्मकार द्वारा दिया जाएगा।

23. कार्डों का प्रदाय—(1) प्रत्येक रजिस्ट्रीकृत कर्मकार को बोर्ड द्वारा विनियोग्य प्रस्तुति में पहचान पत्र, उपस्थिति पत्र और मजदूरी पर्ची का निःशुल्क प्रदाय किया जाएगा।

(2) कार्ड औं जाने की दशा में एक नथा कार्ड जारी किया जाएगा किन्तु उसका वर्च जो बोर्ड द्वारा नियन्त्रण किया जाएगा, संबंधित कर्मकार द्वारा देय होगा।

24. रजिस्ट्रीकृत कर्मकारों के सबा अभिलेख—प्रशासनिक निकाय प्रत्येक मासिक और दीनिक कर्मकार के संबंध में बोर्ड द्वारा विनियोग्य किए जाने वाले प्रलय में एक "सेवा अभिलेख" रखेगा जिसमें आय बातों के साथ-साथ कर्मकार के विन्दु की गई अनुशासनिक कार्रवाईयों, प्रोत्तिकारी और अन्य काम के लिए प्रशासनिकों का भी पूरा अभिलेख होगा। मासिक कर्मकारों के संबंध में ऐसे औरे का प्रशाय प्रशासनिक नियन्त्रण को रजिस्ट्रीकृत नियोजकों द्वारा किया जाएगा।

25. रजिस्ट्रीकृत नियोजकों के लिए अभिलेख पत्र कार्मिक अधिकारी प्रत्येक रजिस्ट्रीकृत नियोजक के संबंध में बोर्ड द्वारा विनियोग्य किए जाने वाले प्रलय में एक "अभिलेख पत्र" रखेगा जिसमें आय बातों के साथ-साथ रजिस्ट्रीकृत नियोजक के विन्दु की गई अनुशासनिक कार्रवाईयों का पूरा अभिलेख होगा।

26. पहचान पत्रों का अध्ययन—नियन्त्रित विनियोग्यों में कर्मकार का पहचान पत्र प्रशासनिक निकाय को अध्ययन कर दिया जाएगा, प्रतितः—

(क) जब वह तीन या अधिक दिन के लिए छुट्टी पर जा रहा हो।

(ख) जब वह सेवा निवृत हो रहा हो;

(ग) जब उसे सेवा से पवस्तुत या मुक्त कर दिया जाए;

(घ) जब उसे अस्थायी तौर पर नियन्त्रित कर दिया जाए; अथवा

(ङ) उसकी मृत्यु पर :

परन्तु मासिक कर्मकार का नियोजक भी मद (क) से (ङ) में विनियोग्य परिस्थितियों में कर्मकार का पहचान पत्र प्रशासनिक निकाय को अध्ययन कर देगा।

27. उपस्थिति पत्र और मजदूरी स्लिप में प्रविष्टियाँ:—(1) पूलसम रजिस्ट्रीकृत डॉक कर्मकार उस समय जब उसका रजिस्ट्रीकृत नियोजक की काम के लिए आवादन कर दिया जाए, अपना उपस्थिति पत्र और मजदूरी स्लिप प्रशासनिक निकाय को सौप देगा। रजिस्ट्रीकृत नियोजक कर्मकार द्वारा किए गए काम की कालावधि की बाबत उपस्थिति पत्र और मजदूरी स्लिप में आवश्यक प्रविष्टियाँ करेगा और उसको उसके काम की समाप्ति के पूर्व लौटा देगा। प्रशासनिक निकाय यथा शोध संस्था, काम के प्रत्येक विन के लिए कर्मकार द्वारा उपस्थिति पत्र मजदूरी दराने वाली एक मजदूरी स्लिप का प्रशाय करेगा।

28. कर्मकारों का नियोजन:—(1) किसी रजिस्ट्रीकृत नियोजक या नियोजकों के समूह से संलग्न किसी विनियोग्य प्रवर्ग का मासिक कर्मकार पूलसम उसी प्रवर्ग के किसी कर्मकार पर अधिकाय देकर उसी नियोजक या नियोजकों के समूह द्वारा उसी प्रवर्ग में काम के लिए नियोजित किए जाने का हकदार होगा।

(2) यदि हिमी क्षिप्रित प्रवर्ग में मासिक रजिस्टरेशन कर्मकारों की संख्या उपलब्ध काम के लिए यथोपचार न हो तो उस प्रवर्ग में पूर्ण रजिस्टरेशन कर्मकारों को नियोजित किया जाएगा।

(3) एक नियोजक या नियंत्रकों के समूह के मासिक कर्मकार को दूसरे नियोजक या नियंत्रकों के समूह द्वारा, अध्यक्ष या उपाध्यक्ष के पूर्वानुमोदित के मिथाय नियोजित नहीं किया जाएगा।

29. पारियों में नियोजन— (1) इैक कर्मकारों का नियोजन पारियों में किय जाएगा।

(2) (क) मानस्त्विनः किसी डॉक कर्मकार को क्रमवर्ती दो पारिस्थियों में नियोजित नहीं किया जाएगा और न किसी कर्मकार को दो उत्तरवर्ती दिनों में से प्रत्येक दिन दो क्रमवर्ती पारिस्थियों में नियोजित किया जाएगा किसी भी दशा में किसी डॉक कर्मकार को तीन क्रमवर्ती पारिस्थियों में नियोजित नहीं किया जाएगा ।

(ए) मासिक रेजिस्टरग्राम कर्मकार को एक सप्ताह में 9 पारियों से या एक मास में 33 पारियों से अधिक में नियोजित नहीं किया जाएगा।

(ग) प्रसामान्यतः किसी मासिक कर्मकार औ एक सप्ताह में 6 पारियों से या एक मास में 27 पारियों से अधिक के लिए नियोजित नहीं किया जाएगा, किन्तु जब कोई ऐसा पूर्णत कर्मकार औ उपरोक्त मध्य (ख) में परिवर्तित नियोजन की व्यापकतम सीमा तक नहीं पहुँचा है, उपलब्ध न हो तो किनी भी मासिक कर्मकार को एक सप्ताह में 8 पारियों तक या एक मास में 33 पारियों में नियोजित किया जा सकेगा।

(म) विशेष परिस्थितियों में अध्यक्ष पद (ख) सथा (ग) के प्रधीन निर्बन्धनों की आवश्यक विस्तार तक भस्त्यायी रूप से शिखिल कर सकेगा।

(3) पुल-रजिस्टरगण प्रत्येक प्रदर्शन के कर्मकारों को अकानुक्रम से काम ग्राहित किया जाएगा ।

(4) जहाँ काम गैंग द्वारा किया जाता है, वहाँ कर्मकारों का आवंटन अक्रान्तिकृप से गैंग द्वारा किया जाएगा।

30. प्रत्याभूत व्युननम् भासिक भजदूरी— (1) पूल-रजिस्टरणत कर्मकारों को, ऐसी भजदूरी-वर पर जो बोर्ड द्वारा यथावित्तिदिष्ट महंगाई-भले सहित एक मास में कम से कम बारह दिन के लिए उस प्रवर्ग के लिए सम्पूर्ण ही, जिसका वह स्थायी रूप से है, भजदूरी का संदर्भ किया जाएगा। इन्होंने ही उस एक मास में व्युननम् बारह शिनों तक उससे कोई कामन कराया गया ही।

ऊपरिखण्ड बारड दिनों में उन दिनों की गणता की जाएगी जिन दिनों कामेकार को काम आमंटित किया गया हो। एक मास में व्यूनतम प्रशारथल मज़बूरी--

(क) उसने दिनों के लिए होगी जिनमें इन्होंने किए भाग भजदूरी प्रत्याभूत की गई हो पर शर्त यह है कि कर्मकार प्रशासनिक निकाय के निदेशानुभार मास के सभी दिनों में काम के लिए उपस्थित रहा हो, या

(अ) उक्ते दिनों के प्रसुपात में होनी जितने दिन कर्मकार काम के लिए उपस्थित या परन्तु यह तथा जब कि मास के प्रैष मर्मी दिनों के लिए उमे उपस्थिति से छुट दे दी गई हो।

(2) उपर्युक्त (1) के उपबन्धों के अधीन रहते हुए एक मास में ऐसे न्यूनतम दिनों की संख्या जिनके लिए प्रस्तावना को जारी है, बोर्ड द्वारा पूलगत कर्मकारों द्वारा निकासी और अवैधण कर्मकारों के निम्नतम प्रबन्ध में पूर्ववर्ती वर्ष के दौरान प्राप्त मासिक औसत नियोजन के आधार पर अधिकतम या इक्कीस दिनों के अधीन रहते हुए प्रत्येक वर्ष के लिए नियन्त्र की जा सकेगी।

टिप्पण :- इस स्कीम को अनुमति 2 में श्रीसम नियोजन के निर्धारण को प्रदत्त वीर गई है।

(3) ऐसे न्यूनतम दिनों की संज्ञा, जिनके लिए उपलब्ध (1) और (2) के अधीन रहने वाले मजदूरी प्रत्याभूत की जाएगी उन नए प्रवयों के कामकारी को, जो स्कॉल के प्रवर्तन को तारीख के पावाल रखिस्टोरुन किए गए हो, स्वत. लाभ नहीं होगी। ऐसे न्यूनतम दिनों की संज्ञा जिनके लिए मजदूरी प्रत्याभूत की जाएगी, बण्ड 18 (6) (क) के अधीन अवधारित की जाएगी। उपलब्ध (2) के यथा अधीन न्यूनतम दिनों को संज्ञा का वार्षिक पुनर्नियत उनके मामले में भी स्थतंत्र रूप से किया जाएगा।

संपादकारण

इस खण्ड के प्रयोजन के लिए—

(क) "दिन" से 24 घण्टे का एक दिन अभिप्रेत है।

(ख) “मास” में पाप्तात्तिक अवकाश दिन समिलित नहीं हैं।

31. उपस्थिति भत्ता—स्कीम के मन्य उपचरणों के प्रधीन रहते हुए पूल रेजिस्टरात उम कर्मकार को, जो काम के लिए उपलब्ध हो, पर जिसे कोई काम उपलब्ध न कराया जाए उन विनों के लिए जब किसी कैलेक्शन मास के दौरान वह प्रशासनिक निकाय के निदेशालयसार काम के लिए उपस्थित दृश्य हो भीर उसे कोई काम उपलब्ध न कराया गया हो वैनिक मजदूरी के आधे की दर से उपस्थिति भत्ता दिया जाएगा :

परन्तु यह और कि ऐसे किसी दिन के लिए कोई उपस्थिति भत्ता संवेदन नहीं होगा, जिस दिन के लिए छण्ड 30 के प्रधीन या अन्यथा या छण्ड 33 के अधीन या छण्ड 33 के अधीन महाराई तथा भूत्य भत्ता सहित, पूरी भजदरा का सदाचाय किया जा चुका हो।

32. एक पारी के लिए नियोजन—(1) पूल में किसी कर्मकार को एक पारी से कम की अवधि के लिए नियोजित नहीं किया जाएगा और जहाँ वह काम जिसके लिए कर्मकार को नियोजित किया गया पारी की कार्यवाही के भीतर ही पूरा हो जाए तो वह कर्मकार पारी की शेष अवधि के लिए ऐसा अन्य काम करेगा जिसकी उसी नियोजक या नियोजकों के समूह द्वारा अपेक्षा की जाए और यदि उसके लिए कोई अन्य काम उपलब्ध नहीं कराया जाता है तो उसे पूरी पारी की मजबूरी दी जाएगी :

परन्तु यदि उसे रजिस्ट्रीकृत नियोजकों और रजिस्ट्रीकृत ढाक कर्मकारी के बीच किए गए किसी करार के प्रवीन या बोर्ड के किसी विनियोग के अधीन पीस रेट मजदूरी या प्रोस्पाहन मजदूरी का संवाद किया जाता है तो उसे अधिकारित दरों में मजदूरी दी जाएगी।

33. उम दणा मे मजदुरी का संदाय जब काम पर लगाए जाने के पश्चात् काम उपलब्ध नहीं कराया जाता है—जब भारकिंश पूल मे का कोई कर्मकार काम पर उपस्थित होता है और किसी कारणवश वह काम जिसके लिए वह उपस्थित हुआ है, अरनभ नहीं हो सकता है या आगे नहीं चल सकता है और उसे कोई बैकलिंग काम दिया जा सकता है परन्तु यह तब जब वह पारी की शेष पूरी अवधि के लिए उपलब्ध रहता है और ऐसा बैकलिंग नियंत्रण यो शासमनिक नियाय द्वारा उसे दिया जाए, स्वीकार करता है तो वह कर्मकार उग प्रवर्ग के लिए, जिसका वह समर्थित दर पर, सभी भूमि सहित दैनिक मजदुरों का हकदार होगा :

परन्तु किसी ऐसे कर्मकार की वेशा में, जिसे लाया होता है इस दण्ड के अंद्रीन उसे शोध उजारी वर पश्चात् संवाद यदि कोई है, उसी अवधि की बाबत किए खानी समय के मध्याप को रकम से कम कर दिया जाएगा।

34. भ्रवकाश दिन—प्रत्येक उक्त कर्मकार एक वर्ष में उनसे सबैनिक भ्रवकाश दिनों का भीर पेसी दरो पर जो खण्ड 40 के अधीन गोई द्वारा विनिष्ट की जाए हकदार होगा। इस खण्ड के अधीन किया गया कोई संशय खण्ड 30 के अधीन संगति संभाव के अनिवार्य होगा।

35. समितियाँ—बोर्ड एक या प्रधिक समितियाँ नियुक्त कर सकता है जिनमें वह स्कूली के उपबन्धों के अनुपालन को मुकर बनाने के लिए अपने ऐसे कार्य जिसे वह आवश्यक समझे, सौंप सकेगा तथा जैसा वह आवश्यक

समझे, उन्हें उच्चाधित या पुनर्गठित से कर सकेगा। ऐसे व्यक्ति जो और्डर के सदस्य नहीं है, यदि प्रावधानक हो तो किसी भवित्व के महत्वोंजित सदस्यों के स्वरूप में नामनिविष्ट रिए जा सके, किन्तु ऐसे महत्वोंजित सदस्यों को मतवान का कोई आधिकार न होगा।

36. रजिस्ट्रीकूल डाक कर्मकारों की वाध्यताएँ—(1) प्रत्येक रजिस्ट्रीकूल डाक कर्मकार के बारे में यह समझा जाएगा कि उसने स्कीम की वाध्यताओं को स्वीकृत कर लिया है।

(2) कोई आरक्षित पूलगत-जिस्ट्रीकूल डाक कर्मकार जो काम के लिए उपलब्ध हो, और कोई नियोजन में समझा जाएगा।

(3) और पूलगत-रजिस्ट्रीकूल डाक कर्मकार, जो काम के लिए उपलब्ध हो, तब तक स्वयं को किसी रजिस्ट्रीकूल नियोजक के प्रधान नियोजन में नहीं लगाएगा जब तक कि उसे प्रशासनिक निवाप द्वारा उभ नियोजक की आवश्यित न दिया जाए।

(4) कोई पूलगत रजिस्ट्रीकूल डाक कर्मकार, जो काम के लिए उपलब्ध हो, प्रशासनिक निवाप के निवेशों का पालन करेगा, प्रोर—

(क) ऐसे हाजिरे केन्द्रीया नियन्त्रण केन्द्रों पर और ऐसे समयों पर जो प्रशासनिक निकाय द्वारा विनिविष्ट किए जाएं, उपस्थित होंगा और यदि प्रशासनिक निकाय, इस आंशिक का अनुदेश दे ना, ऐसे प्रतिधारण भत्ते के संशय पर जो और द्वारा विनिविष्ट किया जाए, पारी की पूर्ण कालावधि पर्यन्त ऐसे हाजिरे केन्द्रों या नियन्त्रण केन्द्रों पर रहेगा,

(ख) डाक कर्म से संबंधित किसी भी नियोजन का स्वीकार करेना चाहे यह उनी प्रबों वा ही जिसमें उसे रजिस्ट्रीकूल किया गया है, प्रथमा किसी अन्य प्रबों का जिसके लिए प्रशासनिक निवाप उसे स्थायी या अस्थायी रूप से उपलुक्ष समझे।

(5) जब प्रशासनिक निकाय किसी रजिस्ट्रीकूल डाक कर्मकारों को, जो काम के लिए उपलब्ध हो, किसी रजिस्ट्रीकूल नियोजक के प्रधान नियोजन के लिए आवश्यित कर दे तब वह कर्मकार अपने कर्तव्य का पालन ऐसे रजिस्ट्रीकूल नियोजक या उसके प्राधिकूल प्रतिनिधि या पर्यवेक्षक के निवेशों तथा उस पलन या स्थान के, जहाँ वह काम कर रहा है, नियन्त्रण के अनुसार करेगा।

37. रजिस्ट्रीकूल नियोजकों की वाध्यताएँ—(1) प्रत्येक रजिस्ट्रीकूल नियोजक स्कीम की वाध्यताओं को स्वीकार करेगा,

(2) खण्ड 28 के उपबन्धों के प्रधान रहने हुए, और रजिस्ट्रीकूल नियोजक खण्ड 11 (इ) के उपबन्धों के अनुसार प्रशासनिक निकाय द्वारा उसे आवश्यित डाक कर्मकार से भिन्न किसी कर्मकारों को नियोजित नहीं करेगा।

(3) रजिस्ट्रीकूल नियोजक प्रशासनिक निकाय द्वारा की गई अवस्थाओं के अनुसार इस बारे में भी उपलब्ध आवकारी देगा कि उसे वर्तमान में और अधिव्य से वितरे भवित्वों की आवश्यकता होगी।

(4) रजिस्ट्रीकूल नियोजक, जब तक कि अन्यथा निवेश न दिया जाए, बाल दर या उत्तरांश दर पर काम करने वाले कर्मकारों द्वारा किए गए काम की मात्रा की विविधियां और ऐसे अन्य आकड़े जो उसके द्वारा काम पर लगाए गए रजिस्ट्रीकूल डाक कर्मकारों के संबंध में उपेक्षित हो, प्रशासनिक निकाय को देगा।

(5) रजिस्ट्रीकूल नियोजक ऐसी रीति से और ऐसे समय पर, जो और निविष्ट करे खण्ड 51 (1) के अधीन देय लैंबी और पूलगत कर्मकारों को अधिव्य सकल मजदूरी का प्रशासनिक निकाय की मंत्रालय करेगा।

(ii) रजिस्ट्रीकूल नियोजक डाक कर्मकार कल्याणनिधि के अभिदायी का सदाय करेगा।

(6) रजिस्ट्रीकूल नियोजक ऐसे अभिनेत्र रखेगा जिनकी बोर्ड अपेक्षा करे और बोर्ड को या ऐसे अधिकारी जो जो शाही द्वारा पदाधिकृत किए जाएं, यूकित्युक्त सूचना पर रजिस्ट्रीकूल डाक कर्मकारों से तथा जिस काम पर वे नियोजित किए गए हो उसमें संबंधित सभी ऐसे अभिलेख और किसी भी प्रकार के अन्य वस्तुओं पर जो बोर्ड द्वारा या उसकी ओर से जारी की गई किसी सूचना या निवेश में उपलब्धित हो।

38. नियोजन पर निर्वन्धन—(1) रजिस्ट्रीकूल नियोजक से भिन्न कोई अविन्दित जिसे यह स्कीम लागू होती है, किसी कर्मकार के डाक कर्म में नियोजित नहीं करेगा और न कोई रजिस्ट्रीकूल नियोजक, तब तक किसी डाक कर्मकार को नियोजन में लेगा या डाक कर्म में लगाएगा जब तक कि वह कर्मकार त्रिने यह स्कीम लागू होती है रजिस्ट्रीकूल डाक कर्मकार न हो।

(2) इस खण्ड के पूर्वांगी उपबन्धों के होने हुए यही —

(क) जहाँ प्रशासनिक निकाय का यह समाधान हो जाता है कि—

(1) डाककर्म का आपाती रूप में किया जाता भोवेत है, और

(2) उस काम के लिए कोई रजिस्ट्रीकूल डाक कर्मकार मिलना युक्तियुक्त रूप से साध्य नहीं है;

वहाँ प्रशासनिक निकाय, बोर्ड द्वारा प्रधिरोपित किसी परिमाणों के प्रधान रहने हुए रजिस्ट्रीकूल नियोजक को ऐसा अविन्दित कर लेगा जो रजिस्ट्रीकूल डाक कर्मकार नहीं है। ऐसे कर्मकारों के बचत में जहाँ तक संभव हो, स्थानीय रोजगार बायालिय संगठन से परामर्श किया जाएगा:

परन्तु जब भी अरजिस्ट्रीकूल कर्मकारों को नियोजित करा हो, प्रशासनिक निकाय, यदि संभव हो तो, अध्यक्ष से ऐसे कर्मकारों के नियोजन का पूर्णतुमोवन अधिशास्त्र करेगा, और जहाँ यह संभव न हो वह 24 घण्टे के भीतर, अध्यक्ष को उन पूरी परिस्थितियों की, जिनमें ऐसे कर्मकार नियोजित किए गए थे, रिपोर्ट करेगा तथा अध्यक्ष बोर्ड को उनके आगामी अधिवेशन में, ऐसे नियोजन की सम्भूत जावकारी देगा;

(ख) यदि किसी अधिकारण दिन में डाक-कर्म कराना हो तो बोर्ड, ऐसे शर्तों पर जो वह विनिविष्ट करे, वहाँ तक जहाँ तक कि रजिस्ट्रीकूल कर्मकारों के नियोजन की अवधिकूल रजिस्ट्रीकूल नियोजक की अनुसार दिनांक दिया जाएगा।

(ग) भव (क) और (ख) में निविष्ट इसी में, रजिस्ट्रीकूल नियोजक द्वारा उपर्युक्त रूप में नियोजित व्यक्ति की बाबत, खण्ड 37 के उपखण्ड (4), (5) और (6) तक तथा खण्ड 40 के प्रयोजनों के लिए, उस डाककर्म के संबंध में यह माना जाएगा मानो वह वैकिक कर्मकार था।

(3) फूलगत-रजिस्ट्रीकूल डाक कर्मकार, उन दिनों जब उसे प्रशासनिक निकाय द्वारा काम के लिए आवश्यित नहीं किया गया हो, स्कीम के प्रधीन रजिस्ट्रीकूल नियोजकों से भिन्न नियोजकों के अधीन याचकादा नियोजन प्राप्त कर रहा हो। परन्तु यह तब जब वह खण्ड 36 के प्रधीन प्रस्तौती वाध्यताओं को पूरी तरीके से पूर्य करता हो।

39. वे परिस्थितियों जिनमें स्कीम लागू नहीं रह जाएंगी—(1) जब किसी रजिस्ट्रीकूल डाक कर्मकार का नाम इस स्कीम के उपबन्धों के अनुसार नियोजक रजिस्टर से हटा दिया गया हो तब स्कीम उसे लागू नहीं रह जाएगी।

(2) जब किसी रजिस्ट्रीकूल नियोजक का नाम इस स्कीम के उपबन्धों के अनुसार नियोजक रजिस्टर से हटा दिया गया हो तब स्कीम उसे लागू नहीं रह जाएगी।

(3) इस खण्ड की कोई भी बात ऐसी किसी वाध्यता या प्रधिकार पर प्रभाव नहीं डालेगी जो किसी ऐसे समय के बीच उपगत हुई या

प्रोद्भूत हुए हो जब वह व्यक्ति रजिस्ट्रीकृत डाक कर्मकार या रजिस्ट्रीकृत नियोजक था।

40. डाक कर्मकारों की मजदूरी, भत्ते और सेवा की अन्य घर्ते—जब तक स्कीम में विनियोगित: अन्यथा उपबंधित न हो किसी रजिस्ट्रीकृत डाक कर्मकार वह वह फूलगत हो या प्रशासनिक रजिस्ट्रीकृत हो या रजेंट्रीकृत नियोजक के भीत्र संविदा की यह एक विवित शर्त हीमी ति—

(क) मजदूरी, भत्ते और प्रतिकाल भत्ते की बरें, काम के घटे, विश्राम-अन्तर्गत, अवकाश दिन और उसको बाबत बेतन तथा सेवा की अन्य घर्ते थ हीमी जो बोई, कर्मकारों के प्रत्येक बर्न के लिए समय-नमय पर विनियोगित करें, और

(ख) मजदूरी-प्रवधि का नियन्त, मजदूरी के संदाय का समय और मजदूरी में से कठीनिया मजदूरी संदाय अधिनियम, 1936 (1936 का 4) के उपबंधों के अनुमार होंगी।

41. अनियोजन या प्रधो-नियोजन की बाबत बेतन और महगाई भत्ता मजदूरी तथा अन्य भत्तों के बकाया का संदाय—(1) इस खण्ड और खण्ड 42 में दी गई घर्तों के अधीन रहते हुए, जब किसी मजदूरी कालावधि में कोई पूलगत-रजिस्ट्रीकृत डाक कर्मकार काम के लिए उपलब्ध हो किन्तु उसे काम या पुरा काम न दिया जाए तो वह बोई से ऐसे रकमें प्राप्त करने का हक्कार होगा जो खण्ड 30, 31 और 33 के अधीन उसे अनुसूय हो।

(2) ये घर्ते जिनके अधीन रहते हुए कोई रजिस्ट्रीकृत डाक कर्मकार 40 से उक्स संदाय, यदि कोई हो, का हक्कार है, ये हैं कि—

(क) वह, निवेशान्तर, हजिरी बोन्डों या नियन्त्रण केन्द्रों पर हाजिर हुआ था, और

(ख) उसकी हजिरी लगाई गई थी।

(3) रजिस्ट्रीकृत नियोजकों और रजिस्ट्रीकृत डाक कर्मकारों के भीत्र हुए किसी कारार में स्वापित बोई के किसी विनिष्ठय या बोई प्रवधा किसी निकाय की सिफारिश या केन्द्रीय सरकार द्वारा किए गए, किसी आदेश के अनुसर में सूनलखी प्रवाद से किसी मंहाई भत्ते के पुनरीक्षण या पुनरीक्षित मजदूरी प्रवधा अथवा अन्य भत्तों को मंजूर किए जाने की दशा में बोई रजिस्ट्रीकृत कर्मकारों को करार की या गिरफ्तर या आदेश की यदि वह ऐसा निर्णय करता है, तारीख तक, जैसी भी स्थिति हो, अपनी नियन्त्रित में से बकाया राशि की प्रवायी कर सकेगा।

42. संदाय के लिए हक्कार न होना—(1) कोई रजिस्ट्रीकृत कर्मकार जो फूल में रहने के दौरान बिना किसी येष्ट कारण के खण्ड 36 (4) के उपबंधों का अनुपालन करने में असफल रहता है या अपने नियोजक डाक दिए गए किन्तु विधिपूर्ण आदेशों का अनुपालन करने में असफल रहता है उसका नियोजन समाप्त किया जा सकेगा तथा उसे आरक्षित फूल में वापस किया गया है या नहीं, इसकी लिखित रिपोर्ट अम अधिकारी को की जा सकेगी जब किसी रजिस्ट्रीकृत डाक कर्मकार को इस प्रकार आरक्षित फूल में वापस किया जाए तब प्रशासनिक निकाय तदनुसार उसका हजिरी कार्ड पृष्ठांकित करेगा।

(2) अम अधिकारी उपखण्ड (1) या (2) के अधीन उद्भूत होने वाले प्रत्येक मामले पर विचार करेगा और यदि मामले का अन्वेषण करने के पश्चात् वह रजिस्ट्रीकृत डाक कर्मकार और प्रशासनिक निकाय अधिकूचित करे कि उसका यह समाधान हो गया है कि उसके कर्मकार यथा-उपर्युक्त किसी विधिपूर्ण आदेश का अनुपालन करने में असफल रहा है तो वह रजिस्ट्रीकृत डाक कर्मकार, उस मजदूरी कालावधि की बाबत जिसमें ऐसी असफलता हुई हो या जारी रही हा, खण्ड 41 के अधीन

किसी संदाय का या किसी संदाय के ऐसे भाग का, जो अम अधिकारी भीक समझे, हक्कार नहीं होगा।

43. अनुशासनिक प्रक्रिया—(1) (i) कार्मिक अधिकारी, जो किसी परिवार पर या अन्यथा, यह जानकारी होने पर कि कोई रजिस्ट्रीकृत नियोजक स्कीम के उपबंधों का पालन करने में असफल रहा है, इसकी बाबत अन्वेषण करने के पश्चात् उसे नियोजक के संबंध में निम्न-सिद्धित में से कोई कार्यालयी कर सकेगा, अर्थात्—

(ii) जहाँ उसकी राय में उच्चतर नियन्त्रित देना उचित हो, वह वह उपाध्यक्ष को उस मामले की रिपोर्ट करेगा जो तब आगे ऐसा अन्वेषण करवा सकेगा जोसा वह ठीक समझे तथा उस नियोजक के संबंध में निम्न-सिद्धित में से कोई कार्यालयी कर सकेगा, अर्थात्—

(क) प्रध्यक्ष के अनुमोदन के अधीन रहते हुए और रजिस्ट्रीकृत नियोजक को नियन्त्रित रूप में एक मास की सूचना देने के पश्चात् प्रशासनिक निकाय उस की परिनिवारा कर सकेगा और उसकी अधिसेवा पीट में परिनिवारा अभिलिखित कर सकेगा, या

(ख) अध्यक्ष के अनुमोदन के अधीन रहते हुए और रजिस्ट्रीकृत नियोजक को नियन्त्रित रूप में एक मास की सूचना देने के पश्चात् प्रशासनिक निकाय को यह सूचित कर सकेगा कि नियोजक का नाम नियोजक रजिस्टर से प्रध्यक्ष द्वारा यथा अध्यारित कालावधि के लिए या अम्भीर अप्राप्त अधिकारी अध्यतार्थी के निवेदन में खूब की दशा में स्थायी रूप से हटा दिया जाएगा।

(2) जो आरक्षित-फूलगत-रजिस्ट्रीकृत डाक कर्मकार स्कीम के किसी उपबंध का अनुपालन करने में असफल रहता है, या अनुशासनहीनता या अवधार का कार्य करना है, उसकी नियोजक द्वारा अम अधिकारी को लिखित रूप में रिपोर्ट की जा सकती, जो विषय का अन्वेषण करने के पश्चात् उस कर्मकार की बाबत निम्नलिखित में से कोई कार्यालयी कर सकेगा, अर्थात् वह—

(क) अध्यारित कर सकेगा कि ऐसी अवधि तक जो वह उचित समझे वह कर्मकार खण्ड 41 के अधीन किसी संदाय या आरक्षित संदाय का हक्कार नहीं होगा,

(ख) उसी सीन दिन से अन्वित की अवधि के लिए विना बेतन के निलम्बित कर सकेगा।

(3) (क) जहाँ उपखण्ड (2) के अधीन अम अधिकारी को रिपोर्ट किए गए मामले में उसकी प्रह राय है कि अनुशासनहीनता या अवधार का कार्य हताना अम्भीर है कि कर्मकार को और आगे काम नहीं करने दिया जाना चाहिए यहाँ अम अधिकारी, मामले का अन्वेषण होने तक, कर्मकार को निलम्बित कर सकेगा और तत्काल उपध्यक्ष को रिपोर्ट करेगा, जो उस मामले के प्रारम्भिक अन्वेषण के पश्चात् उसकी बाबत यह आदेश पारित करेगा, कि क्या अंतिम आदेश होने तक कर्मकार को निलम्बित रहना चाहिए या नहीं;

(ख) यहाँ कोई डाक कर्मकार मद (क) के अधीन आदेश द्वारा निलम्बित किया गया हो, वहाँ उसे निलम्बन की तारीख से प्रथम नब्बे दिन के लिए उस आधारिक मजदूरी, महंगाई और अम्भीर भत्तों के जिसका वह हक्कार हीता, आधे के समतुल्य निर्वाह-भत्ता संदर्भ किया जाएगा और तत्पश्चात् अध्यक्ष साधारण दण्डों में ऐसा उच्चतर निर्वाह भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई भत्तों और प्रत्येक भत्तों के तीन चौथाई से अधिक न हो:

परम्परा जहा ऐसी जांच उन कारणों से जो सीधे उस कर्मकार की वजह से हुए माने जा सकते हो, नब्बे दिन की अवधि के परे चलती है वहाँ नब्बे दिन से अधिक की अवधि के लिए निर्वाह भत्ता घटा कर आधारिक मजदूरी, महंगाई भत्तों और प्रत्येक भत्तों के एक-चौथाई के बराबर कर दिया जाएगा।

(ग) इस प्रकार संदेत निर्वाह-भता किसी भी दशा में बहुलीय या समपहरणीय नहीं होगा;

(घ) जहाँ किसी रजिस्ट्रीकृत डॉक कर्मकार को निदेश पाया जाए वह ऐसे संदायों का हकदार होगा जिनकी बाबत प्रणासनिक निकाय यह प्रमाणित करे कि कर्मकार उन्हें कालानुपाती रूप के प्रधार पर या खण्ड 31 के अधीन, तब पाता यदि वह निम्नित नहुआ होता; परन्तु इस प्रकार संदेत रकम में से किसी विषेष अवधि के दौरान निर्वाह-भते के रूप में सदैय या पहले ही संदेत रकम कम कर दी जाएगी।

(१) जहाँ श्रम अधिकारी की राय में उपखण्ड (२) और (३) में उपबन्धित दण्ड से उच्चतर दण्ड देना उचित ही वह मामलों को रिपोर्ट उपाध्यक्ष को करेगा।

(५) श्रम अधिकारी से उपखण्ड (४) के अधीन या नियोजकों से या किसी अन्य व्यक्ति से इस आवश्यकी की विवित रिपोर्ट प्राप्त होने पर कि कोई आरक्षित-मूलगत-रजिस्ट्रीकृत डॉक कर्मकार स्कीम के किसी उपबन्ध का प्रत्यालन करने में अमरकल रहा है या उन्हें अनुशासनित या अवधार को कोई कार्य किया है या वह मानक अवधार कार्य करने में निरंतर अमरकल रहा है या किसी अन्य रीडिंग में अद्वेष्ट रहा है, उपाध्यक्ष ऐसा प्रतिरिक्त अव्यवेपन कर सकेगा या करा सकेगा जैमा वह ठीक समझे तथा तत्प्रवात् सम्बद्ध कर्मकार की बाबत निम्नलिखित में से कोई कार्यवाही कर सकेगा, अर्थात् वह निम्नलिखित में से कोई भी गतिशील अधिरोपित कर सकेगा—

(क) यह अवधारित कर सकेगा कि, ऐसी अवधि तक जो वह उचित समझे, वह कर्मकार खण्ड 41 के अधीन किसी संदाय या अधिक संदाय का हकदार नहीं होगा;

(ख) उसे लिखित चेतावनी दे सकेगा;

(ग) उसे तीन मास से अनधिक की अवधि के लिए बिना बेतन के निम्नित वार सकेगा;

(घ) उसका बेतन घटा सकेगा या उसे उम सोधा तक जड़ी तक वह उचित समझे निम्नतर प्रकार में प्रतिवर्तित कर सकेगा;

(ङ) 14 दिन की सूचना या उसके बदले में 14 दिन को भासे सहित मजदूरी देने के पश्चात् उमकी सेवाएं समाप्त कर सकेगा; या

(च) उसे पदच्युत कर सकेगा।

(६) इस खण्ड के अधीन कोई कार्यवाही करने से पहले मंबद्ध व्यक्ति को यह हेतुक दर्शित करने का अवसर दिया जाएगा कि उसके विशद् प्रस्थापित कार्रवाई क्षमों न की जाए और ऐसा अवक्षित, यदि वह आहुता है तो ऐसी कार्रवाई की बाबत साक्ष देश कर सकेगा।

(७) इस खण्ड के अधीन की गई कार्रवाई की सूचना इसके साथ-साथ प्रणासनिक निकाय को दी जाएगी।

(८) इस खण्ड और खण्ड 42 में अन्तिम रिपोर्ट किसी बात के हृषि शृणु भी निम्नलिखित भारणी के स्तम्भ (२) में विनिर्दिष्ट उच्चतरों के अधीन उक सारणी के स्तम्भ (१) में विनिर्दिष्ट प्राधिकारी में निहित गतिशील अधिकारी के स्तम्भ (३) में तत्प्रवात् प्रविधित में विनिर्दिष्ट प्राधिकारी द्वारा भी उन मामलों में जो अनिमानित प्राधिकारी द्वारा इस निम्नलिखित रूप में विनिर्दिष्ट की जाए, प्रयोक्तव्य होगी—

सारणी

प्राधिकारी, जिसे कार्रवाई करने के लिए संशक्त किया गया है।	स्कीम के उपखण्ड	प्राधिकारी जिसे विनिर्दिष्ट मामलों में कार्रवाई करने के लिए मशक्त किया गया है
१. श्रम अधिकारी	खण्ड 42 और 43	प्रणासनिक निकाय प्रधायक्ष
२. कार्मिक अधिकारी	खण्ड 43	उपाध्यक्ष या अध्यक्ष
३. उपाध्यक्ष	खण्ड 43	अध्यक्ष

(९) खण्ड 44 तथा 50 के अधीन अध्यक्ष को गतिशील पर प्रतिकूल प्रभाव द्वाले बिना, रजिस्ट्रीकृत नियोजकों द्वारा अधीन नियोजित वासिन्दा कर्मकारों के विशद् अनुशासनिक कार्रवाई करने की पूर्ण गतिशील होगी।

४४. अध्यक्ष की विशेष अनुशासनिक गतिशील—(१) स्कीम में किसी बात के हृषि शृणु भी, यदि अवधि का यह समावृत हो जाए कि रजिस्ट्रीकृत डॉक कर्मकारों के किसी ऐसे द्वारा या अधिकृत नियोजकों द्वारा कर्मकारों के तरीके द्वारा पुनरावृति की जा रही है तो वह लिखित रूप में उम प्रमाव को धोपणा कर सकेगा।

(२) जब उपखण्ड (१) के अधीन धोपणा की जा चुकी हो तब अध्यक्ष के लिए निम्नलिखित कार्रवाई करना विधिवूर्ण होगा—

(१) मासिक कर्मकारों की दशा में, रजिस्ट्रीकृत नियोजकों के अधिकारों पर प्रतिकूल प्रभाव द्वाले बिना, ऐसे कर्मकारों के विशद् ऐसी अनुशासनिक कार्रवाई करना जैसी वह सम्भव न समझे, जिसमें पदच्युति भी सम्भिलित है; और

(२) पूलगत-रजिस्ट्रीकृत डॉक कर्मकारों की दशा में, ऐसे कर्मकारों के विशद् ऐसी अनुशासनिक कार्रवाई करना जैसी वह सम्भव न समझे, जिसमें पदच्युति तथा, उम मजदूरी अवधि या अवधियों की बाबत जिनके दौरान “धीरे काम करो” नीति अपनाई गई हो, उनकी प्रत्याभूत व्युत्तम मजदूरियों और उपस्थिति भते का सम्पहरण भी सम्भिलित है।

(३) अध्यक्ष—

(१) जहाँ किसी कर्मकार द्वारा “धीरे काम करो” नीति अपनाई गई है, वहा सम्भवित कर्मकार के विशद्।

(२) जहाँ किसी गैर द्वारा “धीरे काम करो” नीति अपनाई गई है, वहा गैर के सभी सबव्यवहारों के लिए अनुशासनिक कार्रवाई करेगा।

(४) इस खण्ड के अधीन किसी डॉक कर्मकार या डॉक कर्मकारों के गैर के विशद् कोई अनुशासनिक कार्रवाई करने से पहले ऐसे कर्मकार को या कर्मकारों को यह हेतुक दर्शित करने का अवसर दिया जाएगा कि उसके विशद् प्रस्थापित कार्रवाई क्षमों न की जाए।

परन्तु अध्यक्ष, उपखण्ड (१) के अधीन धोपणा कर दिए जाने के तुरंत पश्चात्, किसी कर्मकार या कर्मकारों के गैर को इस उपखण्ड के अधीन हेतुक दर्शित करने का अवसर देने के पश्चै काम से निम्नित कर सकेगा।

(५) (क) जहाँ कोई कर्मकार जाच होने तक निम्नित किया गया हो, वहा उसे निलम्बन की तारीख से प्रयत्न नव्वे दिन के लिए उस आधारित मजदूरी, महंगाई तथा अन्य भतों के, जिसका वह हृष्ट हकदार होता यदि वह मजदूरी भतित छुट्टी पर होता, अथवा के मनुष्य निर्वाह भता संवत्त किया जाएगा और पूलगत-अधिकार अवधारण यात्रों में ऐसा उच्चतर निर्वाह भता मजदूर कर सकेगा जो देश आधारित मजदूरी, महंगाई भतों के तीन चौराई से अधिक न हो।

परन्तु जहाँ ऐसी जाच उन कारणों से, जो सोधे उस कर्मकार की अजह से हुए भाने जा सकते हैं, नव्वे दिन को अवधि के परे चलती है, वहा नव्वे दिन से अधिक की अवधि के लिए निर्वाह भता बढ़कर, आधारित मजदूरी, महंगाई भतों और अन्य भतों के एक चौराई के बराबर कर दिया जाएगा।

(ब) इस प्रकार संदेत निर्वाह-भता किसी भी दशा में बहुलीय या समपहरणीय नहीं होगा।

(ग) जहाँ किसी डॉक कर्मकार को विवेष पाया जाए वह वह अपने निलम्बन की अवधि की बौद्धत ऐसे संदायों का हकदार होगा, जिनकी बाबत प्रणासनिक निकाय यह प्रमाणित करे कि कर्मकार उन्हें कालानुपाती

पर के आधार पर या खण्ड 31 के अधीन तब पाता, यदि वह निलम्बित न होता होता, परन्तु इस प्रकार संदेश रकम में से उस अधिकारी के दौरान निवाई भर्ते के रूप में पहले ही संदेश रकम कम कर ली जाएगी।

(6) कोई रजिस्ट्रीकृत डॉक कर्मकार जो उपखण्ड (2) के अधीन अध्यक्ष के आदेश से व्यवित हो, अदेशों की प्राप्ति की तारीख के 30 दिन के भीतर केन्द्रीय सरकार को अपील कर सकेगा।

45. नियोजन का पर्यवसान—(1) किसी पूलगत-रजिस्ट्रीकृत डॉक कर्मकार का नियोजन स्कीम के उपबन्धों के अनुसार के विवाय पर्यवसान नहीं किया जाएगा।

(2) कोई पूलगत-रजिस्ट्रीकृत डॉक कर्मकार बोर्ड को 14 दिन की विशित सूचना दिए बिना यो उसके बदले में महंगाई भर्ते सहित 14 दिनों की मजबूरी सम्पद्धत कराए बिना बोर्ड में अपना नियोजन नहीं छोड़ेगा।

(3) जब उपखण्ड (1) या (2) के अधीन किसी रजिस्ट्रीकृत डॉक कर्मकार का बोर्ड में नियोजन पर्यवसित कर दिया गया हो तब प्रशासनिक निकाय उसका नाम रजिस्टर या अभिलेख से बुरन्त हटा देगा।

46. कर्मकारों द्वारा अपील—(1) इस खण्ड में अन्यथा उपबन्धित के विवाय, पूलगत कोई कर्मकार जो विनिविष्ट मारणी के स्तम्भ (1) में विनिविष्ट किसी प्राधिकारी द्वारा उक्त सारणी के स्तम्भ (2) में विनिविष्ट उपबन्धों के अधीन पारित किसी आदेश से व्यवित हो, उक्त सारणी के स्तम्भ (3) में विनिविष्ट प्राधिकारी के ऐसे आदेश के विशद्ध अपील कर सकेगा।

तारीख

आदेश पारित करने वाला प्राधिकारी	स्कीम के उपबन्ध	अपील प्राधिकारी
(1)	(2)	(3)
1. श्रम अधिकारी या प्रशासनिक निकाय	खण्ड 42 और 43	उपाध्यक्ष
2. उपाध्यक्ष	खण्ड 43	अध्यक्ष
3. अध्यक्ष	खण्ड 43	केन्द्रीय सरकार

(2) कोई कर्मकार, यदि जो—

(i) उसे अभिलेख रजिस्टर में किसी विशिष्ट समूद में रखने वाले, या

(ii) खण्ड 18 के अधीन रजिस्ट्रीकरण से इन्कार करने वाले;

या

(iii) खण्ड 36(4)(ख) के अधीन उससे ऐसा काम करने की प्रेक्षा करने वाले, जो उम प्रवर्ग का नहीं है, जिसमें वह आता है;

किसी आदेश से व्यवित है, अध्यक्ष को अपील कर सकेगा।

(3) जहाँ किसी रजिस्ट्रीकृत डॉक कर्मकार का नाम बोर्ड के अनुदेशों के अनुसार अभिलेख रजिस्टर से हटाने की सम्भव सूचना दे दी गई हो वहाँ अपील तब नहीं होगी, यदि नाम हटाने का आधार यह हो कि वह रजिस्ट्रीकृत डॉक कर्मकार, उस वर्ग या वर्ग के डॉक कर्मकारों के अन्तर्गत आता है जिनके नाम उम प्रवर्ग या वर्ग को कम करने के उद्देश्य से अभिलेख रजिस्टर से हटाए जाए हैं।

(4) उपखण्ड (1), (2) या (3) में विविष्ट प्रत्येक अपील सिलिंग रुप में होगी और जिस आदेश के विशद्ध अपील की गई है उसकी प्राप्ति की तारीख के 14 दिनों के भीतर की जाएगी।

परन्तु अपील प्राधिकारी, उसके लिए जो कारण हैं उन्हें अविलिखित करके, 14 दिनों के अवसान के पश्चात् की गई अपील ग्रहण कर सकेगा।

(5) अपील प्राधिकारी अपीलकर्ता को यदि वह ऐसा चाहता है अनुवाई का प्रबल देने के पश्चात्, और कारणों को अविलिखित करके ऐसा आदेश पारित कर सकेगा, जो वह ठीक समझे।

(6) उपखण्ड (5) के अधीन पारित प्रत्येक आदेश अपीलकर्ता का समूचित किया जाएगा।

(7) कोई अपीलार्थी, अपील प्राधिकारी के समक्ष किसी विधि-व्यवसायी द्वारा प्रतिनिधित्व वा हक्कार नहीं होगा किन्तु वह जिस रजिस्ट्रीकृत व्यवसाय भंग का सदस्य है उसके किसी प्रतिनिधित्व द्वारा या किसी रजिस्ट्रीकृत डॉक कर्मकार द्वारा प्रतिनिधित्व किए जाने का हक्कार होगा।

47. नियोजकों द्वारा अपील—(1)(क) कोई रजिस्ट्रीकृत नियोजक जो कार्मिक अधिकारी के खण्ड 43(1)(i) के अधीन आदेश से व्यवित हो उपाध्यक्ष को अपील कर सकेगा जो उसका विनियोजन करेगा।

(ख) यदि कोई रजिस्ट्रीकृत नियोजक उपाध्यक्ष के खण्ड 43(1)(ii) के अधीन मूल आदेश से व्यवित हो तो वह अध्यक्ष की अपील कर सकेगा जो उसका विनियोजन करेगा। खण्ड 43 के उपखण्ड (1) की मद (ii) की उपमद (ख) के अधीन अध्यक्ष के किसी आदेश के विशद्ध किसी अपील की रूप से अध्यक्ष मामले को तुरन्त लट्टा यक्कार को निर्देशित करेगा। केन्द्रीय सरकार उस अपील में ऐसा आदेश करेगी जैसों वह ठीक समझे।

(2) कोई नियोजक जिसे खण्ड 15(1)(i)(g) के अधीन रजिस्ट्रीकरण से इस्कार किया गया हो अध्यक्ष के माध्यम से केन्द्रीय सरकार को अपील कर सकेगा। केन्द्रीय सरकार अपील पर ऐसा आदेश करेगी जो वह ठीक समझे।

(3) यदि कोई रजिस्ट्रीकृत नियोजक अध्यक्ष के, खण्ड 43 के अधीन उसके विशद्ध किसी भूत्यादेश से, व्यवित हो तो वह केन्द्रीय सरकार को अपील कर सकेगा। केन्द्रीय सरकार अपील पर ऐसा आदेश करेगी जो वह ठीक समझे।

(4) उपखण्ड (1), (2) और (3) में विविष्ट प्रत्येक अपील नियित रूप में होगी और जिस आदेश के विशद्ध अपील की गई है उसकी प्राप्ति के 14 दिनों के भीतर की जाएगी:

परन्तु अपील प्राधिकारी, उसके लिए जो कारण हैं उन्हें अविलिखित करके, 14 दिनों के अवसान के पश्चात् की गई अपील ग्रहण कर सकेगा।

(5) कोई अपीलार्थी, अपील प्राधिकारी के समक्ष किसी विधि-व्यवसायी द्वारा प्रतिनिधित्व का हक्कार नहीं होगा किन्तु वह जिस रजिस्ट्रीकृत नियोजकों के संगम का मदस्य है उसके किसी प्रतिनिधित्व द्वारा या किसी रजिस्ट्रीकृत नियोजक द्वारा प्रतिनिधित्व का हक्कार होगा।

48. अध्यक्ष और उपाध्यक्ष को पुनरीक्षण की शक्ति—इस स्कीम के अन्तर्गत किसी भाग के होते हुए भी, खण्ड 43 के अधीन उपाध्यक्ष द्वारा पारित किसी आदेश की दशा में अध्यक्ष या, अवरिक्षणि कार्मिक अधिकारी या अम अधिकारी द्वारा उक्त खण्ड के अधीन पारित किसी आदेश की दशा में उपाध्यक्ष, किसी भी ममय, आदेश की वैधता या आवृत्ति के मंदिर में अपना भागाधान करने के प्रयोजन में, उस कार्यवाही के किसी अभिलेख को मंगा सकेगा जिसमें, यथाग्निति, उपाध्यक्ष या कार्मिक अधिकारी या अम अधिकारी ने आदेश पारित किया है तथा उसके संबंध में ऐसा आदेश पारित कर सकेगा जो वह ठीक समझे।

49. कलियप अपीलों की दशा में आदेश का स्वर्गित किया जाना—जहाँ 14 दिन की सूचना वे कर सेवा के पर्यवसान के आदेश के विशद्ध किसी रजिस्ट्रीकृत डॉक कर्मकार द्वारा खण्ड 48 के उपखण्डों के अनुसार अपील की गई हो या जहाँ खण्ड 43(1)(ii)(ख) के अधीन नियोजक के रजिस्टर से उसका नाम हटा देने के आदेश के विशद्ध किसी नियोजक

द्वारा खण्ड 47 के उपबन्धों के अनुसार अपील की गई हो वहां अपील प्राधिकारी, अपील की सुनवाई और निपटाग होने तक उस आदेश का, जिसके विरुद्ध अपील की गई है, प्रवर्तन निलम्बित कर सकेगा।

50. आपात की स्थिति में कार्रवाई के लिए विशेष उपबन्ध --(1) यदि किसी समय अध्यक्ष का यह समाधान हो जाए कि ऐसी आपात स्थिति उद्भूत हो गई है जो पत्तन के कार्यकरण पर गम्भीर रूप से प्रभाव डालेगी तो वह, लिखित आदेश देकर, और ऐसी प्रबंधि के लिए जिसे वह आदेश में संमय-समय पर विनिर्दिष्ट करे, ऐसे आदेश की घोषणा कर सकेगा :

परन्तु ऐसी कोई घोषणा केन्द्रीय सरकार के पूर्णामोदत के मिवाय महीनों की जाएगी ।

(2) यदि तक उपबन्ध (1) के प्रधीन कोई आदेश प्रवृत्त रहे, तब तक निम्नलिखित उपबन्ध लागू होंगे, अर्थात् --

(i) यदि ऐसा कोई अधिकथन किया जाए कि कोई रजिस्ट्रीकूल नियोजक स्कीम के उपबन्धों को कार्यभित्त करने में असफल रहा है तो अध्यक्ष उस अधिकथन के संबंध में संक्षिप्त जाच करने के पश्चात् उम नियोजक के संबंध में निम्नलिखित में से कोई कार्यवाही कर सकेगा, अर्थात् --
वह --

(क) रजिस्ट्रीकूल नियोजक को लिखित चेनाशनी दे सकेगा,

(ख) यह निर्देश वे सकेगा कि रजिस्ट्रीकूल नियोजन का नाम नियोजकों के रजिस्टर से या तो स्थायी रूप से या ऐसी प्रबंधि के लिए जो वह अवधारित करें, सुरक्ष हटा दिया जाए :

परन्तु उस उपबन्ध के प्रधीन नाम तब तक नहीं हटाया जाएगा जब तक कि नियोजक की सुनवाई का युक्तियुक प्रबंधर न दे दिया जाए ।

(ii) यदि किसी रजिस्ट्रीकूल डॉक कर्मकार के विरुद्ध अनुशासनहीनना "धीरे काम करो" या अवचार का अधिकथन किया जाए तो अध्यक्ष जाच होने तक उसे तुरन्त निलम्बित कर सकेगा, अधिकथन की वाबत संक्षिप्त जाच कर सकेगा और उम कर्मकार के विरुद्ध निम्नलिखित में से कोई एक या अधिक कार्यवाही कर सकेगा, अर्थात् वह --

(क) यह अवधारित कर सकेगा कि ऐसी प्रबंधि के लिए जो वह उचित नमस्ते, वह कर्मकार खण्ड 18 के अधीन किसी संदाय का हकदार नहीं होगा ;

(ख) उम लिखित चेनाशनी दे सकेगा,

(ग) उसे तीन मास में अनधिक की प्रबंधि के लिए विना बेतन के निलम्बित कर सकेगा ;

(घ) 14 दिनों की सूचना या उसके बदले में, महंगाई भर्ते मिशन 14 दिनों की मजदूरी देने के पश्चात् उमकी सेवाएं नमात्मन कर सकेगा ; या

(ङ) उसे यद्यपि कर सकेगा.

परन्तु उपमद (घ) के प्रधीन सेवा की ऐसी समाप्ति या उपमद (ङ) के प्रधीन ऐसी पवर्ष्यति तब तक नहीं की जाएगी जब तक कि कर्मकार की सुनवाई का युक्तियुक प्रबंधर न दे दिया जाए ।

(iii) (क) जहां किसी कर्मकार को जाच होने तक निलम्बित किया गया हो वहां उगे निलम्बन की तारीख से प्रथम तब्दी दिन के लिए उम आधारिक मजदूरी, महंगाई और अन्य भर्तों के, जिसका वह कठकदार होगा, यदि वे मजदूरी महित छूटी पर होता, आधे के समरुप्य

निवाहि भत्ता संदर्भ किया जाएगा और सत्ताशक्ति अध्यक्ष अमाधारण दण्डनीये में ऐसा उच्चतम निवाहि भत्ता मंजूर कर सकेगा जो ऐसी आधारिक मजदूरी, महंगाई भर्ते और अन्य भर्तों के तीन-चौथाई से अधिक न हो :

परन्तु जहां ऐसी जाच उन वारेंगों से जो सीधे उम कर्मकार की वजह से हुए, माने जा सकते हों, नद्ये दिन की प्रबंधि के परे चमती है वहां नद्ये दिन से अधिक की प्रबंधि के लिए निवाहि भत्ता बढ़ा कर आधारिक मजदूरी, महंगाई भर्ते और अन्य भर्तों के एक चौथाई के बगावर कर दिया जाएगा ।

(ख) इस प्रकार संतर्त निवाहि भत्ता किसी भी दण में यस्तीय या समपद्धरणीय नहीं होगा ।

(ग) जहां किसी डॉक कर्मकार को निर्दोष पाया जाए वहां वह अपने निलम्बन की कावावधि की आवने ऐसे मतायों का हकदार होता जिनकी आवत प्रशासनिक निकाय पर अधिकार परे कि कर्मकार उंहें कालानुपाती रूप के आधार पर या खण्ड 31 के प्रधीन तत्र पाता यदि वह निलम्बित न हुआ होता, परन्तु हां प्रकार संदेश रकम में से उक्त कावावधि के दौरान निवाहि भर्ते के द्वारा में पहले ही संदर्भ रकम कर कर दी जाएगी ।

(3) रजिस्ट्रीकूल नियोजकों और रजिस्ट्रीकूल डॉक कर्मकारों के विरुद्ध अनुशासनिक कार्रवाई से संवधित स्कीम के ताँबंध अधित द्वारा, उपबन्ध (2) के प्रधीन पारित किसी आदेश भी नाम नहीं होंगे ।

(4) कोई रजिस्ट्रीकूल डॉक कर्मकार या रजिस्ट्रीकूल नियोजक, जो अध्यक्ष द्वारा उपबन्ध (2) के प्रधीन शिष्ट गण आदेश से व्यवित हो, आदेशों की प्राप्ति की तारीख के 30 दिन के भीतर केन्द्रीय सरकार को प्रधीन कर सकेगा ।

(5) स्कीम में अन्विष्ट किसी बात के हांगे हुए भी, जब तक उपबन्ध (1) के प्रधीन कोई आदेश प्रवृत्त रहे, अध्यक्ष सीधे रजिस्ट्रीकूल नियोजकों द्वारा अरिजिस्ट्रीकूल कर्मकारों का नियोजन और सीधे ऐसे अरिजिस्ट्रीकूल कर्मकारों को संदाय प्राधिकृत कर सकेगा ।

51. स्कीम के प्रवर्तन का द्वार्च --(1) स्कीम के प्रवर्तन का द्वार्च रजिस्ट्रीकूल नियोजकों द्वारा बोई की दिए गए संदायों में से किया जाएगा । प्रत्येक रजिस्ट्रीकूल नियोजक खण्ड 37(5)(i) के प्रधीन उमने शोध्य मकल मजदूरी के संदाय के सार्थनाय तथा उसी समय पर पूर्णता कर्मकारों की आवन, उद्यग्दृष्टि के रूप में ऐसी रकम बोई का मझे, करेगा जो बोई समय-समय पर रजिस्ट्रीकूल नियोजकों को लिखित सूचना देकर विनिर्दिष्ट करे तथा इस प्रकार उद्यग्दृष्टि के सूच में संदेश रकम उम रकम से कम नहीं होंगी जिसे बोई प्रत्येक रजिस्ट्रीकूल नियोजक द्वारा संदेश न्यूनतम रकम के स्पष्ट में नियत करे । यदि बोई आवश्यक समझे तो वह किसी रजिस्ट्रीकूल नियोजक के कर्मकारों की वाबत उद्यग्दृष्टि के स्पष्ट में ऐसी रकम ऐसी दर पर देने की प्रेक्षा भी कर सकेगा और वह अवधारित करे ।

(2) उपबन्ध (1) के प्रधीन रजिस्ट्रीकूल नियोजकों द्वारा किए जाने वाले संदायों का प्रदधारण फरने में बोई विभिन्न प्रवर्गों के कार्यों और कर्मकारों के लिए उद्यग्दृष्टि का विभिन्न दर नियत कर सकेगा, परन्तु उद्यग्दृष्टि इस प्रकार से नियत किया जाएगा कि यमात परिस्थितियों वाले मधी डॉक नियोजकों के लिए उद्यग्दृष्टि की एक ही दर लागू होगी ।

(3) बोई केन्द्रीय सरकार के पूर्णामोदत के बिना किसी ऐसे उद्यग्दृष्टि की मधीरी नहीं देगा जो दैनिक आधारिक मजदूरी और उसके साथ महंगाई भर्ते की आधार पर मानित आवकलित मुख्य मजदूरी विल के गत प्रतिशत से अधिक हो ।

(4) रजिस्ट्रीकृत नियोजक, सांग की जाने पर बोर्ड को, उपबंड (1) में निर्दिष्ट रूपम् नियोजक के रूप में संदेत करेगा या उसके समान संदाय के लिए ऐसी अन्य प्रतिभूति की व्यवस्था करेगा जैसी बोर्ड उचित समझे।

(5) प्रशासनिक निकाय, समय-समय पर, बोर्ड को स्कोरम के प्रवर्तन तथा वित्त-पोषण के संबंध में बोर्ड द्वारा युक्तियुक्त रूप से अधेक्षित आंकड़े और अन्य जानकारी देगा।

(6) यदि कोई रजिस्ट्रीकृत नियोजक, उपबंड (1) के अधीन उससे शोध्य संदाय या कोई अन्य रकम, जो बोर्ड को किसी अन्य हैसियत से या लेखा मद्दे शोध्य और देय हो, प्रशासनिक निकाय द्वारा विहित समय के भीतर, चुकाने में असफल रहता है तो प्रशासनिक निकाय नियोजक पर इस आशय की एक सूचना की तारीख दरेगा कि यदि वह सूचना की प्रतिपत्ति की तारीख में तीन दिन *के भीतर उसमें शोध्य रकम संबंध नहीं करेगा तो उसे किया जाने थाला रजिस्ट्रीकृत डॉक कर्मकारों का प्रवाय निलम्बित कर दिया जाएगा। सूचना अधिकृत के समाप्त होने पर प्रशासनिक निकाय अविकारी नियोजक को, तब तक के लिए जब तक वह शोध्य रकम नहीं चुका देता है रजिस्ट्रीकृत डॉक कर्मकारों का प्रवाय निलम्बित कर देगा।

5.2. भविष्य-निधि और उपदान—(1) रजिस्ट्रीकृत नियोजकों और रजिस्ट्रीकृत कर्मकारों के बीच हुए किसी करार के उपबंधों पर प्रतिकूल प्रभाव आले बिना, बोर्ड अधिकृत पूत्र के कर्मकारों के संबंध में और रजिस्ट्रीकृत नियोजक अपने भासिक कर्मकारों के सम्बन्ध में अंगदारी भविष्य निधि का उपबंध बरतने वाले नियमों की विरचना करेगे तथा उन्हें प्रवर्तित करेंगे। नियमों में कर्मकारों और नियोजकों द्वारा किए जाने वाले अधिदायक की दर, संदाय की रीत और पद्धति के लिए और ऐसे अन्य विषयों के लिए उपबंध होंगे, जो आवश्यक समझे जाएं। परन्तु भासिक कर्मकारों को साग्रहीय आले नियम पूलगत-कर्मकारों से संबंधित नियमों से कम अनुकूल नहीं होंगे।

(2) रजिस्ट्रीकृत नियोजकों और रजिस्ट्रीकृत कर्मकारों के बीच हुए किसी करार के उपबंधों पर प्रतिकूल प्रभाव आले बिना बोर्ड सूचीबद्ध कर्मकारों का उपदान का संदाय करने के लिए नियम विरचित करेगा।

5.3. डॉक नियोजकों और अधेक्षित कर्मकार कल्याण-निधि—सूचीबद्ध डॉक कर्मकारों के लिए सुख-सुविधाएँ, कल्याण और स्वास्थ्य के उपायों तथा आमोद प्रमोद की सुविधाओं का व्यय डॉक नियोजकों और अधेक्षित कर्मकार कल्याण-निधि के नाम से एक पृष्ठ निधि में से किया जाएगा, जिसका अनुरक्षण बोर्ड करेगा। इस निधि में सभी रजिस्ट्रीकृत नियोजकों द्वारा ऐसी रकम पर अभिव्यक्त किए जाएंगे जो बोर्ड द्वारा अवधारित की जाए। बोर्ड इस निधि में किए जाने वाले अभिव्यक्तों तथा निधि के रखे जाने और प्रवर्तन के लिए नियम बनाएगा।

5.4. भासिका—खण्ड 39 का उल्लंघन प्रथम उल्लंघन के लिए तीन मास से अनंतिक की या किसी पश्चात्यक्ती उल्लंघन के लिए छह मास में अनंतिक की अधिकृत के कारोबास से या प्रथम उल्लंघन के लिए पांच सौ रुपए में अनंतिक या किसी पश्चात्यक्ती उल्लंघन के लिए एक हजार रुपए से अनंतिक के जुमानि से या व्यापूर्यकत कारबास और जुमानि दोनों से दण्डनीय होगा।

5.5. निरसन और अवाकृति—मुम्बई अरजिस्ट्रीकृत डॉक नियोजकों और अधेक्षित कर्मकार (नियोजक का विनियमन) स्कीम, 1973 इसके द्वारा निरसित की जाती है :

परन्तु उसन स्कीम के प्रधीन किया गया कोई अवेश, प्रोद्भवत अधिकार, उपगत भासित अधेक्षित की गई कोई वास या कारेवाई, यावत्साक्ष, इस स्कीम के प्रधीन किया गया, प्रोद्भवत उपगत या की गई समझी जाएगी और किसी लिखन में उसन स्कीम के किसी उपबंध के प्रति कोई भिक्षा इस न्यौम की तथ्यानी उपबंधों के प्रति निवेश समझा जाएगा।

प्रन्तुसूची 1

डॉक कर्म प्रोट डॉक कर्मकारों के बीच वर्गी अधेक्षा वर्णन, जिन्हे यह स्तरीय साग्रहीय होती है :-

(1) मुम्बई डॉक में निकासी के लिए आयात और निर्यात किए जाने वाले माल की डॉक कर्म है-जलिग ;

(2) डॉक कर्मकार—

(क) मुकदमा,

(ख) निकासी और अधेक्षण मजदूर।

प्रन्तुसूची 2

(खण्ड 33 विविध)

एक मास में उतने न्यूनतम विनों की संख्या जिनके लिए मजदूरी प्रस्तावूत की जाती है, ठीक पूर्वती 12 मास के दौरान भ्रोसत नियोजन के अधार पर निम्नलिखित प्रक्रिया के अनुमार निर्धारित की जाएगी :

(क) मान सीजिए कि प्रकूवर, 1979 में कोई निर्वारण किया जा रहा है, तो पूलगत कर्मकारों (जिनके अन्तर्गत छही आरक्षित कर्मकार भी हैं, किन्तु मुकदमा नहीं है) की कुल संख्या, जो 1 प्रकूवर, 1978 और 31 प्रकूवर, 1978 को हो, अभिनिश्चित की जानी चाहिए। इन प्रवर्गों की रजिस्ट्रीकृत ग्रोसत संख्या दोनों भंकों को जोड़कर और 2 से भाग देकर अभिनिश्चित की जानी चाहिए।

(ख) उन श्रमपारियों की कुल संख्या जिनमें मास के दौरान, मद (क) में निर्विष्ट प्रवर्गों के गेंग कर्मकारों से काम किया हो, देनिक-नियोजन के आंकड़ों से अभिनिश्चित की जानी चाहिए।

(ग) उपर्कित कर्मकारों द्वारा सी वर्ड प्राधिकृत यां अप्राधिकृत छही के अम दिनों की कुल संख्या अभिनिश्चित की जानी चाहिए। छही पर जाने वाले कर्मकारों की भ्रोसत संख्या अभिनिश्चित करने के लिए इस अंक को मास में काम के दिनों की संख्या से भाग देना चाहिए।

(घ) मास के दौरान उल्लंघन कर्मकारों की प्रभावी संख्या प्राप्त करने के लिए घट (ग) में अभिनिश्चित की गई संख्या को मद (क) में भ्राए भ्रीक्षत में से घटा देना चाहिए।

(ङ) भ्रीक्षत घट (घ) के श्रीनन अभिनिश्चित श्रमपारियों के अंकों को मद (घ) में अभिनिश्चित प्रभावी संख्या से भाग देना चाहिए। भ्राए हुए अंक मास प्रकूवर, 1978 के दौरान नियोजन के दिनों की भ्रमत संख्या होगी।

(च) उपयक्त प्रक्रिया सवम्बर, 1978 से सितम्बर, 1979 तक के शेष 11 मास के लिए घोरहाई जानी चाहिए।

(छ) 12 मास के भ्रमत नियोजन के अंकों को जोड़ा जाना चाहिए। और उन्हें 12 से भाग दिया जाना चाहिए।

(ज) उपरोक्त मद (छ) में भ्राए हुए अंकों को, दिनों की उत्तर्यनतम संख्या के रूप में नियत किया जाना चाहिए जिससे 30 नवम्बर, 1980 को समाप्त होने वाले आगामी 12 मास के लिए मजदूरी प्रस्तावत की जाएगी।

- (h) "dock work" means clearing and forwarding operations at places or premises to which the Scheme relates, ordinarily performed by workers of the classes or descriptions to which the Scheme applies;
- (i) "employers' register" means the register of dock employers maintained under the Scheme;
- (j) "Labour Officer" means the Labour Officer appointed by the Administrative Body under clause 12.
- (k) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (l) "Personnel Officer" means the Personnel Officer appointed by the Board under clause 5;
- (m) "Pool" means a pool of registered dock workers who are available for work and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;
- (n) "register or record" means the register or record of dock workers maintained under the Scheme;
- (o) "registered dock worker" means a registered dock clearing and forwarding worker, whose name is for the time being entered in the registered or records for carrying out dock work specified in Schedule I of this Scheme.
- (p) "registered employer" means a clearing and forwarding employer who holds a license from the Collector of Customs, and whose name is for the time being entered in the employers' register.
- (q) "Rules" mean the Dock workers (Regulation of Employment) Rules, 1962,
- (r) "week" means the period commencing from the midnight of Saturday and ending on the midnight of the next succeeding Saturday.

4. Administrative Body :

- (1) The Central Government may by notification in the Official Gazette, appoint a body consisting of employers of Dock clearing and forwarding workers or any authority to be the Administrative Body for the purpose of carrying on the day-to-day administration of the Scheme.
- (2) The Administrative Body shall, subject to supervision and control of the Board and the Chairman and subject to the provisions of Clause 43 carry on the day to day administration of the Scheme.
- (3) The Central Government may for sufficient cause remove any Administrative Body appointed under sub-clause (1) :

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

5. Personnel Officer and other servants of the Board :

The Chairman may appoint a Personnel Officer and such other officers and servants and pay them such salaries and allowances and specify such terms and conditions of service as he deems fit :

Provided, that no post the maximum salary of which exclusive of allowance is rupees 1650 and above per mensem shall be created, and no appointment in such post shall be made by the Chairman except with the previous approval of the Central Government.

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

6. Functions of the Board.—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Schemes set out in Clause 2 including measures for :

- (a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the port;
- (b) regulating the recruitment and entry into and the discharge from the Scheme and the allocation of registered dock workers in the pool to registered employers;
- (c) determining and keeping under review in consultation with the Administrative Body registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such register or record;
- (d) keeping, adjusting and maintaining the employees' registers, entering or re-entering therein the names of any dock employer and, where circumstances so require removing from the register the name of any registered employer, either by his own request or in accordance with the provisions of the Scheme;
- (e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of registered dock workers including any registers or records of registered dock workers who are temporarily not available for dock work and whose absence, has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme.
- (f) the grouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (g) making provisions for the training and welfare of registered dock workers including medical services in so far as such provision does not exist apart from the Scheme;
- (h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;
- (i) making provisions for health and safety measures in places where registered dock workers are employed in so far as such a provision does not exist apart from the Scheme;
- (j) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Dock Workers Welfare Fund;
- (k) maintaining and administering a Provident Fund, Gratuity Fund, a Voluntary Retirement Fund and any other fund or funds created for specific purpose for registered dock workers;
- (l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

- (2) The income and property of the Board from whatever source derived shall be applied solely towards the object of the Scheme including health, safety, training and welfare measures for registered dock workers (including assistance by way of grant of loan or otherwise to co-operative societies formed for the exclusive benefit of dock workers and the staff of the Board and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of benefit to the members of the Board :

Provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board in return for any service actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper account to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government,—

(i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March together with an audited balance sheet; and

(ii) copies of proceedings of the meeting of the Board.

7. Responsibilities and duties of the Board in meeting.—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

- (a) sanction the temporary registration of a specific number of workers in any category for a specific period;
- (b) consider registration of new employers on the recommendation of the Chairman;
- (c) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;
- (d) determine the wages, allowances and other conditions of service, and fix the guaranteed minimum wages in a month after annual review;
- (e) fix the rate of levy under clause 51(1);
- (f) fix the rate of contribution to be made by registered employers to the Dock Workers' Welfare Fund;
- (g) appoint and abolish or reconstitute committee under Clause 35;
- (h) Sanction the annual budget;
- (i) appoint the Personnel Officer;
- (j) subject to the provisions of clause 5 sanction/creation of posts;
- (k) make recommendations to the Central Government about changes in Schedule 1 to this Scheme;
- (l) make recommendations to the Central Government about any modifications in the Scheme;
- (m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;
- (n) discuss statistics of output of labour and turn-round of ships and record its observations and directions;
- (o) sanction the opening of accounts in such scheduled Banks as it may direct and the operations of such accounts by such persons as the Board may from time to time direct; and
- (p) sanction and create fund or funds for specific purpose.

8. Annual Estimates.—The Chairman shall, at a special meeting to be held before the end of February, in each year lay before the Board the annual budget as received from the Administrative Body under clause 11(i) for the year commencing on the first day of April then next ensuing in such details and form as the Board may from time to time specify. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

9. Responsibilities and duties of Chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanction for temporary registration of workers are carried out without delay.
- (c) (i) to supervise and control the working of the Administrative Body.
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice.
- (d) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (e) to constitute Medical Boards when required;
- (f) to ensure that conditions, laid down in the Scheme for the registration of employers are complied with by them;
- (g) to ensure that all forms, registers, returns and documents, stated under the Scheme, are properly maintained;
- (h) to ensure that suitable statistic in regard to the output of labour and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;
- (i) (i) to sanction the creation of posts the maximum salary of which exclusive of allowance is upto Rupees One thousand six hundred and fifty per month.
- (ii) to make appointments to posts the maximum salary of which exclusive of allowances is upto Rupees One thousand six hundred and fifty per month.
- (j) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme.
- (k) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board.
- (l) to declare that there has been a "go-slow" and to take action as authorised under the Scheme.
- (m) to declare a "state of emergency" and to take action as authorised under the Scheme.
- (n) to make a report when necessary to the Central Government under rule 5 of the Dock Workers (Regulation of Employment) Rules, 1962;
- (o) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the worker, as provided for in the Scheme,
- (p) to deal with appeals from workers and employers under clause 46 and 47;
- (q) to fill any unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to the Central Government for approval.
- (r) fix the number to be registered under various categories;
- (s) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the register and anticipated requirements with the prior approval of the Central Government.
- (t) consider registration of new employers if found necessary in the event of suspension or removal of an employer on account of disciplinary proceedings; and

(u) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may, subject to such conditions as he may think fit, delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) excepting those mentioned in items i(i), i(ii), (1), (m), (n), (p), (q), (r), (s), (t) & (u), so however that such delegation shall not divest the Chairman of his powers.

10. Responsibilities and duties of the Deputy Chairman :—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall—

- (a) discharge all functions relating to disciplinary action against registered employers and registered dock workers to the extent permitted under Clause 43;
- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) function as Chairman of Committee of the Board of which he may be nominated as a member;
- (d) preside over the meetings of the Board in the absence of the Chairman; and
- (e) make appointments to the posts, the maximum salary of which exclusive of allowances is not more than twelve hundred and fifty rupees per mensem.

11. Functions of the Administrative Body :—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) keeping adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstance so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provision of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;
- (d) the grouping or regrouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
- (e) the allocation of registered dock workers in the pool who are available for work to registered employers and for this purpose, the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of registered dock workers in the pool;
 - (iii) keep the record of attendance at call stands or control points of registered dock workers;
 - (iv) provide for the maintenance or records of employment and earnings;
 - (v) subject to the allotment of work by rotation under clause 29(3), allocate workers in accordance with clause 19;
 - (vi) make necessary entries in the Attendance Card and Wage slips of workers in the reserve pool as laid down in clause 27;

(f) (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be specified under the Scheme;

(ii) the collection of workers contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;

(iii) the payment as agent of the registered employer of each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme.

(g) appointing, subject to budget provisions, such officers and servants from time to time as may be necessary

Provided that the creation of posts the maximum salary of which exclusive of allowances is above rupees 1150.

and appointment of persons to such posts shall be subject to clause 6(1) and 9(h)(i).

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance sheet;

(i) the framing of the Budget annually, submitting the same to the Board on or before the 15th day of February in each year and getting it approved by the Board;

(j) maintaining complete service records of all registered dock workers; and

(k) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by Board, the Chairman or the Deputy Chairman.

12. Labour Officer :—The Administrative Body when it consists of employers of dock workers shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with provisions of the Scheme.

13. Functions of the Personnel Officer :—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out the functions vested in him under Clause 43 of the Scheme.

14. Officers appointed by the Central Government for proper working of the Scheme :—

(1) Notwithstanding the provisions of Clauses 4, 5, 11 and 13, the Central Government may in its discretion appoint, from time to time in consultation with the Chairman of the Board one or more officer and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) The Officer or Officers appointed under sub-clause (1) shall be subject to the general supervision and control of the Chairman and be paid from the funds of the Board. Such Officer or Officers shall hold office for such period and on such terms and conditions as the Central Government may determine.

15. Maintenance of Registers etc.—(1) Employer's Register.

(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to Clearing and Forwarding Workers is concerned every employer who on the date of commencement of the Scheme is listed under the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme 1973 and who holds a Customs House Agents licence issued by the Collector of Customs on the date shall be deemed to have been registered under the scheme.

- (c) Persons other than those who are deemed to have been registered under item (b) shall not be registered as Clearing and Forwarding employees unless the Board considers it expedient and necessary to do so.
- (d) The Board, may, subject to such conditions as it may with the previous approval of the Central Government specify in this behalf, permit persons registered under items (b) and (c), to form one or more groups, and each group so formed shall be treated as one employer only for employment of monthly and daily workers :

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions specified, as it may deem necessary from time to time :

Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if after giving an opportunity to the group of employers to show cause against the proposal and after considering its representation if any, the Board is satisfied that the group of employers has failed to comply in part or in full with the conditions specified for the formation of such groups and thereupon the said group shall stand dissolved from such date.

(2) Workers Registers : There shall be register of workers as under :—

- (i) Monthly Register : Register of workers who are engaged by each registered employer on contract on monthly basis and who are known as monthly workers.
- (ii) Pool Register : Register of workers other than those on the monthly register and known as Pool Workers.

16. Classification of workers in Registers :—(1) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into :—

- (a) Mukadams.
(b) Clearing and Forwarding Mazdoors.

(3) (a) The Chairman shall have power to deploy surplus workers in a category under any other category, wherein their is shortage of workers, as also under any one of the categories of workers covered by the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, or the Bombay Foodgrain Handling Workers (Regulation of Employment) Scheme, 1973, subject to the condition that such deployment will not lead to reduction in the wages or loss of benefit from past service.

Note :—If the category or scheme in which there is shortage carries lower wage or benefit, transfer will be made on the basis of seniority, junior most persons being transferred and the wages and benefits being enjoyed by them protected as personal to them.

(b) The Chairman shall also have the power with the approval of the Board to deploy any surplus worker in this Scheme to perform the functions of relevant categories of shore workers employed under the Bombay Port Trust in which there is a shortage subject to the condition that deployment will not lead to reduction in the wages or loss of benefit from past service.

17. Fixation of number of workers no the register :—(1)(a) The Chairman shall in consultation with the Administrative Body and with the previous approval of the Central Government determine, before the commencement of registration in any category, the number of workers required in that category.

(b) The Chairman shall periodically review the number of workers required in each category and shall take suitable action to adjust the numbers with prior approval of the Central Government.

(2) The Chairman shall in consultation with the Administrative Body and subject to the approval of the Central Government periodically determine the number of workers required in each category, and arrange to adjust the workers' registers accordingly.

(3) A registered employer or a group of employers may, subject to such conditions as may be specified by the Board in this behalf, increase the number of workers on the monthly registers by selecting workers from the pool.

18. Registration of existing and New Workers :—(1)

(a) Any dock worker who, on the date of commencement of the Scheme, is already listed under the Bombay Unregistered Dock Clearing and Forwarding Workers (Regulation of Employment) Scheme, 1973, shall be deemed to have been registered under this Scheme.

(b) The qualification for new registration shall be such as may be specified by the Board having regard to the local conditions but the age shall not exceed 40 years. Only Indian Nationals who are physically fit, capable and having experience shall be eligible for registration .

Provided that in the case of exservice personnel the age limit may be relaxed upto 45 years by the Dock Labour Board.

(2) The Board may from time to time permit the registration of workers temporarily for such period and on such terms and conditions of service as the Board may specify :

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 31 and shall have the same obligations as registered dock workers in the pool.

(3) Any fresh recruitment, whether on a temporary or permanent basis in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange.

If, however, there is a surplus in any category of workers employed by the Bombay Port Trust, such surplus workers may be transferred and registered under this Scheme. After the transfer if the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment may be made only after absorbing suitable men from the Employment Exchange register.

(4) New workers registered under item (b) of sub-clause (1) will be on probation for a period of one year before being placed on a permanent basis on the registers.

(5) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the registers :

Provided that before giving such direction, the Board shall give him an opportunity of showing cause why the proposed direction should not be issued.

(6) The following principles shall apply in respect of registration in other categories which may after the commencement of the Scheme, be included in Schedule I to this Scheme.

(a) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.

(b) After the provisional registration has been completed the booking in rotation shall start without allowing, at that stage any financial benefits other than wages which accrue to registered workers under the Scheme.

- (c) A reassessment of the requirement shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance allowance under clause 31 shall commence only from that time.
- (d) The working under these conditions shall be examined after a year of introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 30 should be paid.
- From then onwards the workers shall be entitled to all the benefits under the Scheme.
- (e) The minimum number of days in a month for which wages are guaranteed under clause 30 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item (d) above.
- (f) The wages of the Workers in categories which may be registered after the enforcement of the Scheme, shall be such as may be fixed by the Board from time to time.

19. Age of retirement, promotion and transfer of workers.—(1) The age of retirement under the Scheme shall be 58 years.

(2) A vacancy other than a casual vacancy, in the category of monthly workers may be filled only by promotion and transfer of a dock worker of the same category from the pool, who may be selected by a Registered Employer or a group of employers.

Explanation :

The criteria for promotion shall ordinarily be :

- Seniority.
- merit and fitness for work in the category to which promotion is to be made, and
- record of past services.

NOTE :

A transfer from the pool register to the monthly register in the same category or vice-versa shall not be deemed to be a promotion.

(3) The Chairman or the Deputy Chairman may for sufficient and valid reasons allow the transfer of a monthly worker to the pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Deputy Chairman.

(4) If a monthly worker is transferred to or employed in the pool under sub-clause (3), his previous services shall be reckoned for all benefits in the pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the workers' leave; Provident Fund or Gratuity that may be due to him on the date of such transfer.

20. Medical Examination.—(1) A new worker before registration shall undergo, free of charge a medical examination for physical fitness by a Medical Officer nominated, by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman for examination by a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary a worker shall undergo free of charge, a medical examination

by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

21. Facilities for training.—The Board shall make such provisions for training of dock workers as it may deem necessary.

22. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme.

23. Supply of Cards.—(1) Every registered worker shall be supplied free of cost with an identity card, an Attendance Card and Wage slip in the forms specified by the Board.

(2) In case of loss of a card, a fresh card shall be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

24. "Service Record" for registered workers.—A "Service Record" for every monthly and daily worker shall be maintained by the Administrative Body in a form to be specified by the Board which shall contain among other things, a complete record of disciplinary action taken against the worker; promotions, recommendation for good work and other matters such details in respect of monthly workers shall be supplied to the Administrative Body by the registered employers.

25. "Record Sheets" for registered employers.—The Personnel Officer shall maintain a "Record Sheet" in respect of each registered employer in a form to be specified by the Board which shall contain, among other things a complete record of—

disciplinary action taken against the registered employer.

26. Surrender of Identity Cards.—A worker's identity card shall be surrendered to the Administrative Body in the following circumstances namely :—

- when proceeding on leave for three days or more;
- when retiring from services;
- when dismissed or discharged from service;
- when temporarily suspended; or
- on death :

Provided that the employer of a monthly worker will also surrender the card of the worker to the Administrative Body in circumstances specified at items (a) to (e).

27. Entries in Attendance Card and Wage slip.—A registered dock worker in the pool shall hand over his attendance card to the registered employer at the time he is allocated work by the Administrative Body. The registered employers shall make necessary entries in the Attendance Card in respect of the period of work done by the worker and return it to him before the expiry of his engagement. For each day of work, the Administrative Body shall supply as soon as possible a wage slip showing the wages earned by a worker.

28. Employment of workers.—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers, in preference to any worker of the same category in the pool.

(2) If the number of workers on the monthly register in a particular category is not sufficient for the work available, the workers on the pool register in that category shall be employed.

(3) A monthly worker of one employer or a group of employees shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman.

29. Employment in shifts.—(1) Dock workers shall be employed in shifts.

(2) (a) A dock worker shall not ordinarily be employed in two consecutive shifts on each of the two successive days and in no case shall a dock worker be employed in three consecutive shifts

- (b) A dock worker in the pool shall not be employed for more than 9 shifts in a week or 33 shifts in a month.
- (c) Normally a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when a worker in the pool who has not reached the maximum limit of employment defined in item (b) is not available, a monthly worker may be employed upto 9 shifts in a week or 33 shifts in a month.
- (d) In special circumstances the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(3) Workers of each category on the pool register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be done by gangs.

30. Guaranteed Minimum Wages in a month.—(1) A worker in the pool register shall be paid wages at least for 12 days in a month at the wage rate inclusive of dearness allowance as specified by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of 12 days in a month.

The days which the work is allotted to the worker shall be counted towards the 12 days mentioned above. The guaranteed minimum wages in a month shall be,—

- (a) for the number of days for which the wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body,
or
 - (b) Proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.
- (2) Subject to the provisions of sub-clause (1), the minimum number of day, in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the pool in the lowest categories of Clearing and Forwarding workers during the preceding year, subject to the maximum of 21 days.

NOTE :

The method of assessing the average employment is detailed in Schedule II to this Scheme.

(3) The minimum number of days for which wages shall be guaranteed under sub-clause (1) and (2) shall not automatically apply to workers in new categories that may be registered after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 18(6)(e). The annual refixation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

Explanation :

For the purpose of this clause—

- (a) "day" shall mean a day of 24 hours.
- (b) "month" shall not include the days of weekly off.

31. Attendance Allowance.—Subject to the other provisions of the Scheme, a worker on the pool register who is available for work but for whom no work is found shall be paid attendance allowance at the rate of 1/2 daily wages per day for the days on which during a calendar month he attended for work as directed by the Administrative Body and no work was found for him.

Provided that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance have been paid under clause 30 or otherwise or under clause 33.

32. Employment for a shift.—No worker in the pool shall be employed for a period of less than a shift and where

the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work as may be required by the same employer or group of employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift.

Provided that if he is subject to piece-rate wages or incentive wages under any agreement entered into between the registered employers and registered dock workers or any decision of the Board he shall be paid at the rates laid down therein.

33. Payment of wages when work is not made available after engagement.—When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him he shall be entitled to daily wage rate appropriate to the category to which he belongs inclusive of all allowances, provided he continues to be available throughout the remainder of the shift and accepts such alternative employment as may be offered to him by the Administrative Body.

Provided that in the case of a worker who is subject to the piece-rate system of wages the payment, if any, due to him under this clause, shall be reduced by the amount of idle time payment made, if any, in respect of the same period.

34. Holidays.—Each dock worker shall be entitled in a year to such number of holidays with pay and at such rates as may be specified by the Board under clause 40. Any payment made under this clause shall be exclusive of the payment calculated under clause 30.

35. Committees.—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary be nominated as co-opted members of a committee. Each co-opted member, however, shall not have any right to vote.

36. Obligations of registered dock workers.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the pool who is available for work shall not engage himself for employment under any employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the pool for whom work is available shall carry out the direction of the Administrative Body and shall—

- (a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be specified by the Board.
- (b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category registered in other scheme administered by the Board for which he is considered suitable temporarily or permanently.
- (c) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representatives or supervisor and the rules of the port or place where he is working.

37. Obligations for registered employers :

- (1) every registered employer shall accept the obligations of the Scheme.

- (2) subject to the provisions of clause 28, a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Admin. Body in accordance with the provisions of clause 11(e).
- (3) A registered employer shall in accordance with arrangements made by the Admin. Body submit all available information of his current and further labour requirements.
- (4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of work done by dock workers on time-rate or piece-rate and such other statistical data as may be required in respect of the dock workers engaged by him.
- (5) (i) A registered employer shall pay to the Administrative Body in such manner and at such time as the Board may direct the levy payable under clause 51(1) and the gross wages due to daily workers.
- (ii) A registered employer shall make payments as contributions to the Dock Workers Welfare Fund.
- (6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or direction issued by or on behalf of the Board.

38. Restriction on employment :

- (1) No person other than a registered employer shall employ any worker on dock work to which this scheme applies nor shall a registered employer engage, for employment or employ a worker on dock work to which this scheme applies unless that worker is a registered dock worker.
- (2) Notwithstanding the foregoing provisions of this clause,

- (a) where the Administrative Body is satisfied that—
 (i) dock work is emergently required to be done and
 (ii) it is not reasonably practicable to obtain a registered dock worker for that work.

the Administrative Body may subject to any limitations imposed by the Board allocate to a registered employer a person who is not registered dock worker. In selecting such workers the local Employment Exchange shall as far as possible be consulted.

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible the prior approval of the chairman to the employment of such worker and where this is not possible shall report, to the Chairman within 24 hours the full circumstances under which such workers were employed and the chairman shall duly inform the Board of such employment at the next meeting.

- (b) The Board, may subject to such conditions as it may specify, permit employment of unregistered workers on a holiday, if dock work is required to be done on that day to the extent registered workers are not available for work.
- (c) in the case referred to in items (a) and (b), the person so employed as aforesaid by a registered employer shall for the purposes of clause 37(4), (5) and (6) and clause 40 be treated in respect of that dock work as if he was a daily worker.
- (3) A registered dock worker in the pool may, provided he fulfils fully his obligations under clause 36 take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

39. Circumstances in which the Scheme ceases apply—

- (1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme;
- (2) The Scheme shall cease to apply to a registered employer, when his name has been removed from the employer's register in accordance with the provisions of the Scheme.
- (3) Nothing in this clause shall affect any obligation incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

40. Wages, Allowances & other conditions of service of workers.

Without prejudice to the provisions or any agreement entered into between the registered employers and registered dock workers it shall be, unless otherwise specifically provided for in the Scheme, an implied condition of the contract between a registered dock worker (whether in the pool or on the monthly register) and registered employer that—

- (a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays, and pay in respect thereof and other conditions of service shall be such as may be specified by the Board for each category of workers; and
- (b) the fixation of wage period, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

41. Pay in respect of unemployment or under employment and payment of arrears of Dearness Allowance Wages and other allowances :

- (1) Subject to the conditions set out in this clause and clause 42 when, in any wage period, a registered dock worker in the pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clause 30, 31 and 33.

- (2) The condition subject to which a registered dock worker is entitled to the said payment, if any, from the Board are that—

- (a) he attended as directed at the call stands or control points; and
- (b) his attendance was recorded.

- (3) In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any agreement entered into between the registered employers and registered dock workers or any decision of the Board or recommendation of the Board or body set up or any order made by the Central Government, the Board may, out of its funds pay the registered workers upto the date of the agreement or, as the case may be of the recommendation or order, if the Board so decides.

42. Disentitlement to payment :

- (1) a registered dock worker who while in the pool fails without adequate cause to comply with the provisions of clause 36(4).
- (2) a registered dock worker in the pool, who while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 36(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and whether or not he is so returned may be reported in writing to the Labour Officer, when a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance Card accordingly.
- (3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker that he is satisfied that the registered dock worker

has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 41 as the Labour Officer thinks fit in respect of the wage period in which such failure occurred or continued.

43. Disciplinary Procedure.

- (1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter give him a warning in writing, or
 - (ii) where in his opinion, a higher penalty is merited he shall report the case to the Deputy Chairman who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—
 - (a) censure him and record the censure in his record sheet; or
 - (b) subject to the approval of the Chairman and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the chairman or permanently in case of a grave offence or lapse in discharge of his obligations.
- (2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the scheme, or commits any act of indiscipline or misconduct may be reported in writing to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may
 - (a) determine that, for such period as he thinks proper that worker shall not be entitled to, any payment or part payment under clause 41.
 - (b) Suspend him without pay for a period not exceeding three days.
- (3) (a) where in a case reported to the Labour Officer under sub-clause (2) he is of the opinion that the Act of indiscipline or misconduct is so serious that the dock worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman who after preliminary investigation of the matter shall pass orders thereon whether the worker, pending final orders should remain suspended or not;
 - (b) Where a dock worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant higher subsistence allowance not exceeding three fourths of such basic wages, dearness and other allowances. Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days be reduced to one-fourth of the basic wages, dearness and other allowances.
 - (c) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;
 - (d) Where a registered dock worker is found not guilty, he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 31 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer, a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Deputy Chairman.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the employers or any other person that a registered dock worker in the pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard or datum output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards, the worker concerned, that is to say, he may impose any of the following penalties.

- (a) determine that for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under Clause 41.
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three months.
- (d) effect reduction in his pay or revert him to lower category by an extent as may be considered fit;
- (e) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or
- (f) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him, and such person may, if he so desires, adduce evidence in respect of such action.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in this clause and in clause 42, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) of the said table in such cases as the last named authority may specify in writing in this behalf.

TABLE

Authority empowered to take action	Provisions of the Scheme	Authority empowered to take action in specified cases
1	2	3
(1) Labour Officer	Clause 42 & 43	Administrative Body
(2) Personnel Officer	Clause 43	Deputy Chairman, or Chairman
(3) Dy. Chairman	Clause 43	Chairman

(9) Without prejudice to the powers of the Chairman under clauses 44 and 50, a registered employer shall have full powers to take disciplinary action against monthly workers employed under him.

44. Special Disciplinary powers of Chairman :

- (1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker and is being continued or repeated by the same gang of workers, he may make a declaration in writing to that effect.

- (2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—
- in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate, and
 - in the case of registered dock workers in the pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to other forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or period in which the 'go-slow' has been resorted to.
- (3) The Chairman may take disciplinary action—
- Where the 'go-slow' is resorted to by a worker, against the worker concerned.
 - Where the 'go-slow' is resorted to by a gang against all the members of the gang;
- (4) Before any disciplinary action is taken under this clause against any dock workers or gang of dock workers such workers or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it.
- Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause suspended from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).
- (5) (a) Where a worker has been suspended pending enquiry he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowance to which he would have been entitled if he was on leave with wages and thereafter three-fourths of such basic wages, dearness and other allowances:
- Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness and other allowances.
- (b) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;
- (c) Where a dock worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 31 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.
- (6) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of the receipt of the order, prefer an appeal to the Central Government.

45. Termination of employment.—(1) The employment of a registered dock worker in the pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the pool shall not leave his employment with the Board except by giving fourteen days notice in writing to the Board or forfeiting fourteen days wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board has been terminated under sub-clause (1) or (2) his name shall forthwith be removed from the register or record by the Administrative Body.

46. Appeal by Workers.—(1) Save as otherwise provided in this clause a worker in the pool who is aggrieved by an order passed by an authority specified in column (1) of the table below under provisions specified in column (2) of the said table may prefer an appeal against such order to the authority specified in column (3) of the said Table.

TABLE

Authority passing orders (1)	Provisions of the Scheme (2)	Appellate Authority (3)
Labour Officer or Administrative Body	Clause 42 & 43	Deputy Chairman
Deputy Chairman	Clause 43	Chairman
Chairman	Clause 43	Central Government

(2) A worker who is aggrieved by an order—

- placing him in a particular group in the register or record; or
- refusing registration under clause 18; or
- requiring him under clause 36(4) (b) to undertake any work which is not in the same category to which he belongs; may prefer an appeal to Chairman.

(3) No appeal shall lie where due notice has been given of the removal of the name of registered dock worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class of description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof;

(4) Every appeal referred to in Sub-clause (1), (2) & (3) shall be in writing and preferred within 14 days of receipt of the order appealed against.

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(5) The appellate authority may after giving an opportunity to the appellant to be heard, if he so desires; and reasons to be recorded in writing, pass such order as it thinks fit.

(6) Every order passed under Sub-clause (5) shall be communicated to the appellant.

(7) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

47. Appeals by employers.—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under clause 43(1) (i) may appeal to the Deputy Chairman who shall decide the same.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under clause 43(1) (ii), he may appeal to the Chairman, who shall decide the same. In the case of an appeal against an order under clause 43(1)(ii)(b) the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such an order on the appeal as it thinks fit.

(2) An employer who has been refused registration under clause 15(1)(i)(c) may appeal to the Central Government through the Chairman. The Central Government shall make such order on the appeal as it thinks fit.

(3) If a registered employer is aggrieved by an original order of the Chairman against him under clause 43, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against :

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the

association of registered employers of which he is a member or by a registered employer.

48. Power of revision of the Chairman and Deputy Chairman.—Notwithstanding anything contained in the Scheme the Chairman, in the case of an order passed by the Deputy Chairman under clause 43, or the Deputy Chairman in the case of an order passed by the Personnel Officer or the Labour Officer, as the case may be under the said clause may, at any time call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer or the Labour Officer, as the case may be, had passed the order, for the purpose of satisfying himself as to the legality or propriety, thereof and may pass such order in relation thereto as he may think fit.

49. Stay of order in case of certain appeals.—Where an appeal is lodged by a dock worker in accordance with the provisions of clause 46 against an order of termination of service on 14 days notice or where an appeal is lodged by an employer in accordance with the provisions of clause 47 against an order removing his name from the employer's register under clause 43(1)(ii)(b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

50. Special provisions for action in an emergency.—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein make a declaration to that effect :

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely :

- (i) if any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—
 - (a) give the registered employer a warning in writing; or
 - (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine;

Provided that no such removed under this sub-item shall be made except after giving the employer a reasonable opportunity of being heard.

- (ii) if any allegation of Indiscipline "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend his forthwith pending Inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

- (a) determine that for such period as he thinks proper that worker shall not be entitled to any payment under clause 18;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three months;
- (d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or
- (e) dismiss him ;

Provided that no such termination under sub-item (d) or dismissal under sub-item (e) shall be made except after giving the worker a reasonable opportunity of being heard.

- (iii) (a) Where a worker has been suspended pending enquiry he shall be paid for the first ninety days from the date of suspension a subsistence allowance equivalent to one-half of the basic wage, dearness and other allowance to which he would have been entitled if he were on leave with wages, and thereafter the Chairman may, in exceptional cases, grant

higher subsistence allowance not exceeding three fourths of such basic wages, dearness and other allowances :

Provided that where such inquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one fourth of the basic wages, dearness and other allowance.

- (b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;
- (c) where a dock worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 31 had he not been suspended, provided that the amount as payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under Sub-Clause (2).

(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman, may authorise the employment of the unregistered workers directly by registered employers and payment to such unregistered workers, directly.

51. Cost of operating the Scheme.—(1) The cost of operating the scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of pool workers together with and at the same time as payment of gross wages due from him under clause 37(5)(i) as the Board may, from time to time, specify by a written notice to registered employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. If considered necessary, the Board may require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all docks employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wage bill calculated on basis of the daily wage rate without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1) as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) or any other amount due and payable to the Board in any other capacity or account within the time specified by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period the Administrative Body shall suspend the supply of registered dock workers to the defaulting employer until he pays his dues.

52. Provident Fund and Gratuity.—(1) Without prejudice to the provisions of any agreement entered into between registered employers and registered workers the Board in respect

of workers, in the reserve pool and the registered employer, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary. Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the pool.

(2) Without prejudice to the provisions of any agreement entered into between the registered employers and registered workers the Board shall frame rules for payment of gratuity to listed workers.

53. Dock Clearing and Forwarding Workers Welfare Fund.—Cost of amenities, welfare and health measures and recreation facilities for listed dock workers shall be met from a separate fund called the Dock Clearing & Forwarding Workers' Welfare Fund which shall be maintained by the Board. Contribution to this Fund shall be made by the registered employers at such rate as may be determined by the Board. The Board shall frame rules for contribution to, maintenance and operation of the Fund.

54. Penalties.—A contravention of clause 39 shall be punished with imprisonment for a period not exceeding three months in respect of first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention or with both imprisonment and fine as aforesaid.

55. Repeal and savings.—The Bombay Unregistered Dock Clearing and Forwarding Workers (Regulation of Employment) Scheme 1973 is hereby repealed :

Provided that any order made, right accrued, penalty incurred or anything done or any action taken under the said Scheme shall so far as may be, deemed to have been made, accrued, incurred or done or taken under this Scheme and any reference in any instrument to any provision of the said Scheme shall be deemed to be reference to the corresponding provisions of the Scheme.

SCHEDULE I

Classes or descriptions of dock work and dock workers to which the Scheme applies.

(1) Dock work Handling of.—Import and Export goods for clearing in Bombay Docks.

- (2) Dock Workers.—(A) Mukadams.
- (B) Clearing & Forwarding Mazdoors.

SCHEDULE II

The minimum number of days in a month for which wages are guaranteed should be assessed on the basis of average employment during the proceeding 12 months according to the following procedure :

- (a) Supposing an assessment is being made in the month of October, 1979, the total number of workers in the pool (including leave reserve workers but excluding mukadams) as on the 1st October, 1978 and the 31st October, 1978 should be ascertained. The average strength on the register of these categories should be ascertained by adding the two figures and dividing by 2.
- (b) The total number of manshifts worked by gang workers of the categories referred to in item (a) during the month should be ascertained, from the daily employment statistics.
- (c) The total number of mandays of authorised or unauthorised leave taken by the above workers should be ascertained. This figure should be divided by the number of working days in the month to ascertain average number of workers away on leave.
- (d) The figures ascertained as in item (c) should be deducted from the average obtained as in item (a) to arrive at the effective strength of workers available during the month.
- (e) The figures of manshifts ascertained under item (b) should be divided by the effective strength ascertained as in item (d). The figure arrived will

be in the average number of days of employment during the month of October 1978.

(f) The above process should be repeated for the remaining 11 months from November, 1978 to September, 1979.

(g) The average employment figures for the 12 months should be added and divided by 12.

(h) The figures arrived at in item (g) above should be fixed as the minimum number of days for which wages will be guaranteed for the following 12 months ending the 30th September, 1980.

The following example will illustrate:

Suppose the total number of clearing gang workers (excluding Mukadams).

In the pool as on the 1st October, 1978	20 0
and as on the 31st October, 1978	1950
	3950

Average strength of the register for the month

3950	1975
	2

Total number of manshifts worked by the workers of the above categories in October, 1978.

36000

Total number of mandays of authorised or unauthorised leave taken by the workers.

5250

Number of working days in the said month (31 days of the month less one non working day).

30

Average number of workers away on leave.

5250

= 175

30

Effective strength available during the month.

1975 = 175

= 1800

Average employment for the month of October, 1978.

36000

1800 = 20 days

The same procedure will be followed to arrive at the average employment for the remaining 11 months. Let us assume the figures are as follows:

October	1978	20
November	1978	21
December	1978	18
January	1979	20
February	1979	18
March	1979	19
April	1979	20
May	1979	19
June	1979	18
July	979	19
August	1979	20
September	1979	16
Total:	228	

the number of days for which wages will be guaranteed for the next 12 months ending 30th September, 1980 will be 228 = 19 days.

12

नई विल्ली, 4 नवम्बर, 1981

का०आ० 3403.--केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिकारियों की बेवजही) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवत् शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में विभिन्न अधिकारी को, जो सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिये सम्बद्ध अधिकारी नियुक्त करती हैं, जो उक्त सारणी के स्तम्भ (2) में सत्त्वंबंधी प्रविष्टि में विनियोग सरकारी स्थानों के प्रबंगों की वावत अपनी अधिकारिता की स्थानीय सोमाओं के भावन, उक्त अधिनियम द्वारा या उसके अधीन सम्बद्ध अधिकारियों को प्रवत् शक्तियों का प्रयोग और अधिरोपित करन्वयों का पालन करेगा।

सारणी

अधिकारी का प्राधिकारिता	सरकारी स्थानों के प्रबंग और अधिकारिता की स्थानीय सीमाएँ
(1)	(2)
उपाध्यक्ष कांडला डॉक्स बोर्ड नम्बर 2, पत्तन तथा सीमा शुल्क भवन, पी०ओ० न्यू कांडला (कच्छ) 370201	गार्धीघाम की नगर सीमाओं के भीतर तथा कांडला पोर्ट एरिया के भीतर कांडला डॉक लेवर बोर्ड के कर्मचारियों और कर्मचारियों के क्वार्टर्स और अन्य भवन।

[एल०डी०के०/17/81-एस०-II]

प्रताप सिंह, डेस्क अधिकारी

New Delhi, the 4th December, 1981

S.O. 3403.--In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent in rank to a gazetted officer of Government, to be estate officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the categories of public premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of officer	Catgories of public premises and local limits of jurisdiction
(1)	(2)
Deputy Chairman, Kandla Dock Labour Board No. 2, Port & Customs Building, P.O. New Kandla (Kutch)--370201.	Staff quarters and workers' quarters and other buildings belonging to the Kandla Dock Labour Board within the Gandhidham Municipal limits and the Kandla Port area

[LDK/17/81-L.II]

PARTAP SINGH, Desk Officer

पूर्ति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई विल्ली, 20 नवम्बर, 1981

का०आ० 3404.--विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 की धारा 3 की उपधारा (1) द्वारा प्रवत् शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार श्री इन्द्रजीत गर्ग, बन्दोबस्त अधिकारी (विक्री) हरियाणा सरकार, को हरियाणा राज्य में स्थित मुशावजा पूल की सम्पत्तियों के बारे में, उनके अपने कार्य-भार के अतिरिक्त, उक्त अधिनियम के अधीन अपना उसके द्वारा बन्दोबस्त अधिकारी को सीधे गए खातों में निष्पादन करने के लिए बन्दोबस्त अधिकारी के रूप में सियुक्त करती है।

[संख्या-1 (14)/विशेष सैल/75-एस०एस०-II(ए०)]

MINISTRY OF SUPPLY AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 20th November, 1981

S.O. 3404.--In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, The Central Government hereby appoints Shri Inderjit Garg, Settlement Officer (Sales), Government of Haryana, as Settlement Officer for the purpose of performing, in addition to his own duties, the functions assigned to the Settlement Officer by or under the said Act, in respect of properties of the Compensation Pool situated in the State of Haryana.

[No. 1(14)/Spl. Cell/75-SS. II. (A)]

का०आ० 3405.--विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 की धारा 3 की उपधारा (1) द्वारा प्रवत् शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा श्री करतार सिंह, अतिरिक्त बन्दोबस्त अधिकारी (विक्री), हरियाणा सरकार को हरियाणा राज्य में स्थित मुशावजा पूल की सम्पत्तियों के बारे में उक्त अधिनियम के अधीन अपना उसके द्वारा बन्दोबस्त अधिकारी को सीधे गये वार्षीय का, उनके अपने कार्य-भार के अतिरिक्त, निष्पादन करने के लिये बन्दोबस्त अधिकारी के रूप में नियुक्त करती है।

[संख्या-1 (14)/विशेष सैल/75-एस०एस०-II(बी)]

S.O. 3405.--In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, the Central Government hereby appoints Shri Kartar Singh, additional Settlement Officer (Sales), Government of Haryana, as Settlement Officer for the purpose of performing, in addition to his own duties, the functions assigned to the Settlement Officer by or under the said Act, in respect of properties of the Compensation Pool situated in the State of Haryana.

[No. 1(14)/Spl. Cell/75-SS. II. (B)]

नई विल्ली, 24 नवम्बर, 1981

का०आ० 3406.--विस्थापित व्यक्ति (दाशा) प्रतिपुरक अधिनियम, 1954 (1954 का 12) की धारा 3 की उपधारा (1) द्वारा प्रवत् शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा पुनर्वास विभाग के मधीन बन्दोबस्त विभाग में, श्री मनव साल, सहायक बन्दोबस्त अधिकारी को, उक्त अधिनियम के अधीन अपना इसके द्वारा ऐसे अधिकारियों को सीधे गये कार्यों का निष्पादन करने के लिये, तत्काल प्रभाव से बन्दोबस्त अधिकारी के रूप में नियुक्त करती है।

2. इससे भारत सरकार, पूर्ति और पुनर्वास मंत्रालय (पुनर्वास विभाग) के दिनांक 24 सितम्बर, 1981 की प्रधिपूर्वना संख्या-1 (16)/विशेष सैल/80-एस०एस०-II का अधिकरण किया जाता है।

[संख्या-1 (2)/विशेष सैल/81-एस०एस०-II(ए)]

New Delhi, the 24th November, 1981

S.O. 3406.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), the Central Government hereby appoints Shri Madan Lal, Assistant Settlement Officer in the Settlement Wing under the Department of Rehabilitation, as Additional Settlement Commissioner, in addition to his own duties for the purpose of performing the functions assigned to such officer by or under the said Act, with immediate effect.

2. This supersedes Government of India, Ministry of Supply and Rehabilitation (Department of Rehabilitation) Notification No. 1(16) Spl. Cell/80-SS. II., dated the 24th September, 1981.

[No. 1(2) Spl. Cell/81-SS. II. (A)]

का० था० 3407.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्योग) अधिनियम 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा पुनर्योग विभाग के अधीन बन्दोबस्त विभाग में, श्री मदन लाल, सहायक बन्दोबस्त अधिकारी को उक्त अधिनियम के अन्तर्गत अध्यवा उक्ते द्वारा ऐसे अविकारी को सौंपे गये कार्यों को निष्पादित करने के लिये उनके अपने कार्य-भार के प्रतिरक्त तत्काल प्रभाव से बन्दोबस्त अधिकारी के रूप में नियुक्त करती है।

[संज्ञा-1 (2)/विशेष सैल/81-एस०-एस०-II(बी)]

S.O. 3407.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, No. 44 of 1954, the Central Government hereby appoints Shri Madan Lal, Assistant Settlement Officer, in the Settlement Wing under the Department of Rehabilitation, as Settlement Officer in addition to his own duties, for the purpose of performing the functions assigned to such officer by or under the said Act, with immediate effect.

[No. 1(2) Spl. Cell/81-SS. II. (B).]

का० था० 3408.—निष्काल सम्पत्ति, प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 5 में प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा पुनर्योग विभाग के अधीन बन्दोबस्त विभाग में श्री मदन लाल, सहायक बन्दोबस्त अधिकारी को, उक्त अधिनियम के अधीन या इसके द्वारा ऐसे सहायक अधिकारी को सौंपे गये कार्यों का निष्पादन करने के लिये, उनके अपने कार्यों के अतिरिक्त, तत्काल प्रभाव से सहायक अधिकारी के रूप में नियुक्त करती है।

[सं०-1 (2)/विशेष सैल/81-एस०-एस०-II(बी)].

एन०एस० बाधवानी, प्रबन्ध सचिव

S.O. 3408.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri Madan Lal, Assistant Settlement Officer, in the Settlement Wing under the Department of Rehabilitation, as Assistant Custodian of Evacuee Property, in addition to his own duties, for the purposes of performing the functions assigned to such Assistant Custodian by or under the said Act, with immediate effect.

[No. 1(2) Spl. Cell/81-SS. II. (C).]
N. M. WADHWANI, Under Secy.

रेल मंत्रालय
(रेलवे घोष)

नई दिल्ली, 30 नवम्बर, 1981

का० था० 3409.—भारतीय रेल अधिनियम, 1890 (1890 का अधिनियम 9) की धारा 82-वीं द्वारा प्रदल अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार, 31-8-1981 को धनिया भव्य रेलवे के कार्जीपेट बल्कुरशाह छांड पर रालापेट स्टेशन पर गाड़ी नं० 121 माराम नई दिल्ली

तमिलनाडु एक्सप्रेस के दुर्घटनाग्रस्त हो जाने के फलस्वरूप उत्पत्त होने वाले सभी वालों का निपटारा करने के लिए एतद्वारा श्री वाई० बी० आर० नरहरि राष्ट्र, प्रथम अधिकारी जिन्होंने एवं सभा न्यायाधीश, राजमूली की वाला अयुक्त के रूप में नियुक्त करती है। उनका मुख्यालय सिक्किमराजावाद में होगा।

[सं० 81/६/(ओ)II/1/8]

हिम्मत सिंह, सचिव, रेलवे घोष
एवं परेन सयुक्त सचिव।

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 30th November, 1981

S.O. 3409.—In exercise of the powers conferred by Section 82-B of the Indian Railways Act, 1890 (Act IX of 1890) the Central Government hereby appoints Shri Y. V. R. Narahari Rao, First Additional District Sessions Judge, Rajahmundry as Claims Commissioner to deal with all the claims arising out of the accident involving train No. 121 Madras-New Delhi, Tamil Nadu Express at Lalapet Station on Kazepat-Balharshah Section of South Central Railway on 31-8-1981. His Headquarters will be at Secunderabad.

[No. 81/E(O)II/1/8]

HIMMAT SINGH, Secy.

Railway Board and ex-officio Lt. Secy.

श्रम मंत्रालय

आवेदन

नई दिल्ली, 3 अक्टूबर, 1981

का० था० 3410.—केन्द्रीय सरकार की राय है कि उससे उपावद्ध अनुशूली में विनिदिष्ट विषयों के बारे में मेसम ओरिण्टल तालक प्रोडक्ट्स प्राइवेट लिमिटेड, नीम-का थाना के प्रबन्धतांत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अधिकारीक विवाद विद्यमान है;

प्रौढ़ यह केन्द्रीय सरकार उक्त विवाद को व्यावर्तित करना धार्ढरीय समझती है;

अतः, अधिकारीक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक अधिकारीक अधिकरण गठित करती है जिसके अधिकारी श्री राम जी लाल गुप्त होंगे, जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधिकारीक अधिकरण को व्यावर्तित करती है।

अनुशूली

क्या सहायक अयुक्त (सी) अजनेर के समझ 26 दिसम्बर, 1980 को द्वारा समझते के अनुमार 1 जनवरी, 1981 को कर्मकारों के डूटी पर लेने से इनकार करने का मेसम ओरिण्टल तालक प्रोडक्ट्स प्राइवेट लिं, नीम का थाना के प्रबन्धतांत्र की कार्जीहां “ताला बन्दी” के समान है?

यदि हाँ तो संबंधित कर्मकार किस अनुतोष के हक्कावाल हैं?

[सं० ए०-२९०११/१४/८१-बी iii(बी)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 3rd October, 1981

S.O. 3410.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of M/s Oriental Talc Products Private Ltd, Neem-ka-Thana and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Ramraj Lal Gupta shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of M/s Oriental Talc Products Private Ltd. Ncem-ka-Thana in refusing the workers to take on duty on 1st January, 1981 as per the understanding reached before the Assistant Labour Commissioner (C), Ajmer on 26th December, 1980 tantamounts to "Lockout"? If so, to what relief the workmen are entitled?"

[No. L-29011/14/81-D.III(B)]

नई दिल्ली, 3 दिसम्बर, 1981

का० आ० 3411.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि सोकहित में ऐसा करना अवशिष्ट था, भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संघर्ष का० आ० 1781 तारीख 3 जून, 1981 द्वारा कोयला उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 3 जून, 1981 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि सोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अवशिष्ट है,

अतः अब, भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (6) के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उपयोग को उक्त अधिनियम के प्रयोजनों के लिए 3 दिसम्बर, 1981 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[स० एस-11017/9/79-झ०आई०ए०]

New Delhi, the 3rd December, 1981

S.O. 3411.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 1781 dated the 3rd June, 1981, the Coal Industry to be a public utility service for the purposes of the said Act, for a period of six months from the 3rd June, 1981.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 3rd December, 1981.

[No. S-11017/9/79-D.I.A.]

नई दिल्ली, 4 दिसम्बर, 1981

का० आ० 3412.—केन्द्रीय सरकार का यह समाधान हो गया है कि सोकहित में ऐसा करना अवशिष्ट है कि सोहा प्रयत्न बनाए उद्योग औ, जो भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रयत्न सूची के मध्य 16 में शामिल है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए,

अतः अब, भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (d) के उपखंड (vi) के द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017(8)/81-झ०आई०ए०]

के० के० हांडा, अवर सचिव

New Delhi, the 4th December, 1981

S.O. 3412.—Whereas the Central Government is satisfied that the public interest requires that the Iron Ore Mining Industry, which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017(8)/81-D.I.A]

K. K. HANNA, Under Secy.

वारेंग

नई दिल्ली, 6 दिसम्बर, 1981

का० आ० 3413.—इससे उपावड़ अनुसूची में विनिविष्ट भौद्योगिक विवाद भौद्योगिक प्रधिकरण, भुवनेश्वर के पीठासीन अधिकारी श्री एम०झ० गंगाराजू के समक्ष सम्बित पड़े हैं;

धौर श्री एम०झ० गंगाराजू की सेवायें अब उपलब्ध नहीं रही हैं; अतः अब, भौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ब की उपधारा (1) के साथ प्रतित धारा 2क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक भौद्योगिक प्रधिकरण गठित करती है, जिसके पीठासीन अधिकारी जे० एम० मोहनपाल होंगे, जिनका मुख्यालय भुवनेश्वर में होगा और उसके श्री एम०झ० गंगाराजू, पीठासीन अधिकारी, भौद्योगिक प्रधिकरण, भुवनेश्वर के समक्ष सम्बित उक्त विवाद से सम्बद्ध कार्यवाही को वापस लेती है और उसे श्री जे० एम० मोहनपाल, पीठासीन अधिकारी, भौद्योगिक प्रधिकरण भुवनेश्वर को इस निदेश के साथ स्थानान्तरित करती है कि उक्त आगे कार्यवाही उस प्रक्रम से करेगा, जिस पर बहु उसे स्थानान्तरित की जाए तथा विधि के अनुसार उसका निपटान करेगा।

अनुसूची

क्रमांक	मामला संख्या	आदेश संख्या और तारीख	प्रकारों के नाम
1	2	3	4
1.	आई०झ० 3/76	17011/13/71-एस-धारा० 1 तारीख 6-1-1978	नेशनल इंस्ट्रोरेस के लिंगलकला और उसका कर्मकार, श्री झ०एस० शासि।
2.	आई०झ० 6/76	एस-26012/3/76-शी-4 श्री, तारीख 22-9-76	राउरकेला स्टील प्लाट, स्टील प्राथारिटी आफ इंडिया लिंग, और उसके कर्मकार।
3.	आई०झ० 2/77	एस-29012/5/77-शी-3 श्री, ताठ 5-2-1977	श्री एन०धार० प्रधान, रेजिंग कार्पोरेटर आफ बूटी साइम स्टोम मार्क्स आफ बैसर्स आई०झी० श्री जी० श्री और उसके कर्मकार।

1	2	3	4	1	2	3	4	
4	प्राई०डी० 3/77	एल-29012/1/77-	मैसर्स बिल्डिंग कन्ट्रक्टर, रेजिंग कन्ट्रक्टर आफ इंडिया लाइम स्टोन मार्क्स आफ प्राई०डी०सी० आफ उड़ीसा लि० और उनके कर्मकार।	17	प्राई०डी० 1/80	एल-29011/22/78-	मैनेजमेंट आफ बोला क्रोमाईट माईस्स आफ मैसर्स केरों एलायज कार्पोरेशन लि०, भारत, बालासौर और उनके कर्मकार।	
5	प्राई०डी० 4/77	एल-29012/6/77-	मैसर्स जी०प्रार०पाथा एण्ड क०, रेजिंग कन्ट्रक्टर आफ इंगरी लाइम स्टोन मार्क्स आफ मैसर्स प्राई०डी०सी० आफ उड़ीसा लि० और उनके कर्म- कार।	18.	प्राई०डी० 2/80	एल-29011/34/78-	मैनेजमेंट आफ स्टील प्रायारिटी डी०डी०, ता० 15-5-80	प्राई इंडिया लि०, राउरकेला और उनके कर्मकार।
6.	प्राई०डी० \ 5/77	एल-29012/4/77-	श्री डी०प्रार० तुली, रेजिंग कन्ट्रक्टर आफ इंगरी लाइम स्टोन मार्क्स आफ मैसर्स प्राई० डी०सी० आफ उड़ीसा लिमिटेड और उनके कर्मकार।	19.	प्राई०डी० 3/80	एल-29011/28/78-	मैनेजमेंट आफ सुन्दरपाल भाईंग लेवर कन्ट्रैक्टर क्रोपारेटिव सोसाइटी लि०, कन्ट्रैक्टर्स एण्ड प्रूतपानी लाइम स्टोन एण्ड डोनीपर्सिंह कवेरो प्राफ राउरकेला स्टील प्लास्ट आफ स्टील प्रायारिटी आफ इंडिया लि०, पुरतपानी और इसका कर्मकार।	
7	प्राई०डी० 6/77	एल-29012/2/77-	श्री एस० एम० प्रद्वाल, रेजिंग कन्ट्रक्टर आफ इंगरी लाइम स्टोन मार्क्स आफ मैसर्स प्राई० डी०सी० आफ उड़ीसा लिमि- टेड और उनके कर्मकार।	20.	प्राई०डी० 5/80	एल-26011/2/80-	मैसर्स एस० लाल एण्ड कंपनी लि० बारबिल एण्ड इसका कर्मकार।	
8.	प्राई०डी० 9/77	एल-42011/23/76-	आय निगम के प्रबन्धनकार उड़ीसा फैब्रिक, सेक्षनीय कायालाय, भुवनेश्वर और उनके कर्मकार	21.	प्राई०डी० 6/80	एल-0-26011/4/80-	मैनेजमेंट आफ जिलिंग लांगालोटा आयरन मार्क्स आफ मैसर्स एस० लाल एण्ड क० लि०, बारबिल और इसका कर्मकार।	
9.	प्राई०डी० 2/78	एल-12012/134/77-	इंडिया बोर्डरीज बैच, भुवनेश्वर डी० 27, ता० 2-5-78	22.	प्राई०डी० 7/80	एल-26011/5/80-	मैनेजमेंट आफ जिलिंग लांगालोटा आयरन मार्क्स आफ मैसर्स एस० लाल एण्ड क० बारबिल और इसका कर्मकार।	
10.	प्राई०डी० 5/78	एस-42011/2/76-	आय निगम के प्रबन्धनकार भुवनेश्वर डी० 2(मी) ता० 23-9-78	23.	प्राई०डी० 8/80	एल-26011/7/80	मैनेजमेंट आफ जिलिंग लांगालोटा आयरन मार्क्स आफ मैसर्स एस० लाल एण्ड क० बारबिल और उनके कर्मकार।	
11.	प्राई०डी० 2/79	एस-26011/12/77-	मैनेजमेंट आफ राउरकेला स्टील प्लास्ट आफ स्टील प्रायारिटी आफ इंडिया लि० और उनके कर्मकार।	24.	प्राई०डी० 9/80	एल-26011/8/80-डी० 3डी० ता० 25-7-80	मैनेजमेंट आफ जिलिंग लांगा- लोटा आयरन मार्क्स आफ मैसर्स एस० लाल एण्ड क० लि०, बारबिल और उनके कर्मकार।	
12.	प्राई०डी० 3/79	एस०-26011/11/77-	मैनेजमेंट आफ राउरकेला स्टील प्लास्ट आफ स्टील प्रायारिटी आफ इंडिया लि० और उनके कर्मकार।	25.	प्राई०डी० 11/80	एल- 12012/135 , /79-डी० 2 ए० ता० 26-8-80	मैनेजमेंट आफ पंजाब एण्ड सिंघ बैच, कठक और उनके कर्मकार श्री हरपाल सिंह।	
13.	प्राई०डी० 4/79	एल-29011/10/78-	मैनेजमेंट आफ राउरकेला स्टील प्लास्ट आफ स्टील प्रायारिटी आफ इंडिया लि० और उनके कर्मकार।	26.	प्राई०डी० 12/80	एल-38012/2/80-	मैनेजमेंट आफ पाराशीष पोर्ट ट्रस्ट, पाराशीष मुकाम व डोकबर पाराशीष पोर्ट और उनके कर्मकार।	
14.	प्राई०डी० 6/79	एल-29011/37/78-	स्टील प्रायारिटी आफ इंडिया लि० राउरकेला स्टील प्लास्ट और उनके कर्मकार।					
15.	प्राई०डी० 7/79	एल-29011/12/79-	स्टील प्रायारिटी आफ इंडिया लिमिटेड, राउरकेला स्टील प्लास्ट और उसका कर्मकार।					
16.	प्राई०डी० 8/79	एल-29011/2/79-	मैनेजमेंट आफ मैसर्स मार्क्सिंग एण्ड ड्रान्सपोर्टिंग कंपनी कन्ट्रैक्ट आफ काला प्रायरन					

1	2	3	4	1	2	3	4	
27.	आई०झी०	एल-12012/124/78-	पंजाब नेशनल बैंक, कलकत्ता का 13/80 स्थी-27, ता० प्रबंधतंत्र और उनके कर्मकार । 7-10-80	13/80	आई०झी०	एल-26011/13/80-	मैनेजमेंट आफ जिलिंग लांगलोटा 14/80 शी-3धी०, ता० प्रायरन माइन्स आफ मैसर्स 13-10-80 एस० लाल एण्ड क०, बार- बिल और उनके कर्मकार ।	
28.	आई०झी०	एल-38012/2/79-	पारादीप पोर्ट ट्रस्ट, पारादीप 15/80 शी-4ए०, ता० के प्रबंधतंत्र और उनके कर्म- 15-11-80 कार ।	15/80	आई०झी०	एल-24012(1)/81-	सेटल कोलफील्ड्स लि०, डाकथर 6/81 शी.आई०झी० ता० डेंग कोलियरी, जिला धनक- 24-7-81 नाल के प्रबंधतंत्र और उनके कर्मकार ।	
30.	आई०झी०	एल-24012/80/झी०	तेलचर कोलरी आफ सेटल 1/81 शी-4वी० लोट्स कोलफील्ड्स लि०, देरा कोलि- यरी के प्रबंधतंत्र और उनके कर्मकार शी गोकुल चल दास ।	1/81	आई०झी०	एल-26012/13/80-	टाटा प्रायरन एंड स्टील क० 7/81 शी. 3-वी० ता० लि० की जोडा बेस्टमैगेस 11-8-81 माइंस नौमूरी, जिला तिह्यूम (विहार) के प्रबंधतंत्र और उनके कर्मकार ।	
31.	आई०झी०	एल-26011/12/77-	मैनेजमेंट आफ राउरकेला स्टील 2/81 शी-3वी० ता० लाल एण्ड क०, बारबिल और उनके 16-1-81 कर्मकार ।	2/81	आई०झी०	एल-38012/1/81-	पारादीप पोर्ट ट्रस्ट, पारादीप 8/81 शी. 4(ए०) ता० जिला कटक (उड़ीसा) के 13-8-81 प्रबंधतंत्र और उनके कर्मकार ।	
32.	आई०झी०	एल-26012/14/80-	मैनेजमेंट आफ जिलिंग लांग- 2/81 शी-3धी० ता० लोट्स प्रायरन माइन्स आफ 28-1-81 मैसर्स एस० लाल एण्ड क०, बारबिल और उनके कर्मकार ।	2/81	आई०झी०	एल-24012/1/81-	श्रमांक विविध मुख्य मामलों की प्रयोजनता की पक्षकारों के नाम (श्रीदो- मामला संबंधी, जिसके सम्बन्ध तारीख गिक विवाद प्रधिनियम, संबंधी में गिकायन उत्पन्न 1947 के अधीन) 33-क हुई है	श्रमांक विविध मुख्य मामलों की प्रयोजनता की पक्षकारों के नाम (श्रीदो- मामला संबंधी, जिसके सम्बन्ध तारीख गिक विवाद प्रधिनियम, संबंधी में गिकायन उत्पन्न 1947 के अधीन) 33-क के अधीन
33.	आई०झी०	एल-26011/18/80-	1. उड़ीसा बिमरल डेवलपमेंट 5/81 शी. 3वी० ता० क० लि०, छकुरानी । 4-3-81	5/81	आई०झी०	1. 1/80 आई०झी० 8/77	29-8-80 मैसर्स फैरो अलाय कार- (केन्द्रीय)	पोरेशन, धनुरजायपुर की बीमला कोमाइट खान के प्रबंधतंत्र बनाम श्री नरेन हुओ ।
			2. उड़ीसा माईनिंग कारपोरेशन लि०, बारबिल ।		2. 2/80 आई०झी० 8/77	29-8-80 मैसर्स फैरो अलाय कार- (केन्द्रीय)	पोरेशन, धनुरजायपुर की बीमला कोमाइट माइंस के प्रबंधतंत्र बनाम श्री नरी- पतरा ।	
			3. मैसर्स एस० लाल एण्ड क०, बारबिल ।		3. 3/80 आई०झी० 8/77	29-8-80 मैसर्स फैरो अलाय कार- (केन्द्रीय)	पोरेशन, धनुरजायपुर की बीमला श्रीमाइट माइंस के प्रबंधतंत्र बनाम श्री कौडा पतरा ।	
			4. मैसर्स एस० लाल एण्ड क०, बारबिल ।		4. 4/80 आई०झी० 8/77	29-8-80 मैसर्स फैरो अलाय कार- (केन्द्रीय)	पोरेशन, धनुरजायपुर की बीमला कोमाइट माइंस के प्रबंधतंत्र बनाम श्री श्री- कौडा मुहम्मदी ।	
			5. गुप्तामारवान माइन्स आफ एम० एच० रहमान, गुप्तामी ।		5. 5/80 आई०झी० 8/77	29-8-80 मैसर्स फैरो अलाय कार- (केन्द्रीय)	पोरेशन, धनुरजायपुर की बीमला कोमाइट माइंस के प्रबंधतंत्र बनाम श्री चक्र- घर पतरा ।	
			6. गृष्मामारवान माइन्स आफ ओ० एम० सी० लि० शुप्रकाती ।					
			7. हिंदुस्तान जनरल इलेक्ट्रिकल कारपोरेशन लि०, बारबिल ।					
			8. गुप्तामी प्रायरन माइन्स आफ एम० एच० रहमान, गुप्तामी ।					
			9. मैसर्स अर्जुन लघा, बेबासा					
			10. मैसर्स एस० सी० पाठी माईन्स ओमर, जोडा ।					
			11. मैसर्स आर० एस० शी० देव बारबिल की संसानुरिया प्राय- रन माईन्स ।					
			12. मैसर्स क० एम० सी०, बस्सा- पानी की जालाहारी प्रायरन माईन्स ।					

1	2	3	4	5	1	2	3	4	5
6.	6/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलाय कार- पोरेशन, धनुरजायपुर की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री महेंद्र पतरा।	1	2	3	4	5
7.	7/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलाय कार- पोरेशन, धनुरजायपुर की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री नव्या पतरा।	2	3	4	5	1 डी० जी० एम० परमोन्स, हैंडियन ओवरसीज बैंक, मध्यात्र।
8.	8/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलाय कारपोरे- शन, धनुरजायपुर की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री महेंद्र पतरा।	2	3	4	5	2. वी० एम० हैंडियन ओवरसीज बैंक, हड- केल-11।
9.	9/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलाय कारपोरे- शन, धनुरजायपुर की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री जलधर पतरा।	3	4	5	1 डी० एम० हैंडियन ओवरसीज बैंक, रुड- केला टाउनसीप ग्राम, रुडकेला-5	
10.	10/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलाय कारपो- रेशन धनुरजायपुर की बौला क्रोमाइट के माइस के प्रबंधतान्त्र बनाम श्री जलधर नायक।	15	1/81	आई.डी. 5/81 (केन्द्रीय)	13-8-81	मैसर्स एम० साल एंड क० लि० डाकधर बारबिल, कल्पीर बनाम श्री मनीकर किसान।
11.	11/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरो ग्रलायस कारपोरेशन, धनुरजायपुर की बौला क्रोमाइट के प्रबंधतान्त्र बनाम श्री युक्तचरण पतरा।	16.	2/81	आई.डी. 5/81 (केन्द्रीय)	13-8-81	मैसर्स एम० साल एंड क० लि० डाकधर बारबिल कल्पीर, बनाम श्री दानविन नायक।
12.	12/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरा ग्रलायस कारपोरेशन, धनुरजायपुर की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री रघुनाथ पतरा।	17.	3/81	आई.डी. 5/81 (केन्द्रीय)	13-8-81	मैसर्स एस० साल एंड क० लि०, डाकधर बारबिल, कल्पीर, बनाम श्री बहादुर धुर महन्ता।
13.	13/80	आई.डी. 8/77 (केन्द्रीय)	29-8-80	मैसर्स फैरो ग्रलायस कारपोरेशन, धनुरजाय- पुर, की बौला क्रोमाइट माइस के प्रबंधतान्त्र बनाम श्री संतना पतरा।					[संख्या: एम० 11025(6)/81-डी० 4(वी)]
14.	1/81	2/78(केन्द्रीय)	30-5-81	याल उडीमा ओवरसीज बैंक इन्वेस्टमेंट यूनियन जिसका प्रतिनिधित्व प्रभरल सैकेटरी, हैंडियन ओवरसीज बैंकटक करती है बनाम					एस० एम० मेहता, ईस्क अधिकारी

ORDER

New Delhi, the 6th November, 1981

S.O. 3413.—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before Shri M.V. Gangaraju, the Presiding Officer, Industrial Tribunal, Bhubaneswar;

And whereas the services of Shri M.V. Gangaraju are no longer available;

Now, therefore, in exercise of the powers conferred by section 7A read with sub-section (1) of the Section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, the Presiding Officer of which shall be Shri J.M. Mohapatra with headquarters at Bhubaneswar and withdraws the proceedings in relation to the said dispute pending before the said Shri M.V. Gangaraju, Presiding Officer, Industrial Tribunal, Bhubaneswar and transfers the same to Shri J.M. Mohapatra, Presiding Officer, Industrial Tribunal, Bhubaneswar, with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE				1	2	3	4
Sl. No.	Case No.	No. and date of the order of the Government	Name of the parties				
1	2	3	4				
1.	I.D.3/76	17011/13/71-L.R.I dated 6-1-1976.	National Insurance Company Limited, Cicutta. And Its workmen Shri B.S. Das.	10. I.D.5/78 (B) Dt. 23-9-78.	L-42011(2)/76-D-II (B) Dt. 23-9-78.	Management of Food Corporation of India, Bhubaneswar and their workmen.	
2.	I.D.6/76	L-26012(3)/76-D-IV (B), dated 22-9-76.	Rourkela Steel Plant, Steel Authority of India Ltd., and their workmen.	11. I.D.2/79 B. Dt. 30-6-79.	L-26011/12/77-D-III B. Dt. 30-6-79.	Management of Rour- kela Steel Plant of Steel Authority of India Limited and their workmen.	
3.	I.D.2/77	L-29012/5/77-D-III. B. Dt. 5-2-77.	Shri L.R. Pradhan, Rising Contractor of Dungri Lime Stone Mines of M/s. I.D.C. of Orissa Limited and their workmen.	12. I.D.3/79 B. Dt. 28-6-79.	L-26011/11/77-D-III B. Dt. 28-6-79.	Management of Rour- kela Steel Plant of Steel Authority of India Limited and their workmen.	
4.	I.D.3/77	L-29012/1/77-D-III B. Dt. 5-2-77.	M/s. Bridge Building Contractor, Raising Contractor of Dungri Lime Stone Mines of I.D.C. of Orissa Limited and their workmen.	13. I.D.4/79 B. Dt. 6-10-79.	L-29011/10/79-D-III B. Dt. 6-10-79.	Management of Rour- kela Steel Plant of Steel Authority of India Limited and their workmen.	
5.	I.D.4/77	L-29012/6/77-D-III B. Dated 5-2-77.	M/s. G.R. Pradhy and Co., Raising Contractor of Dungri Lime Stone Mines of M/s. I.D.C., of Orissa Limited and their workmen.	14. I.D. 6/79 B. Dt. 17-12-79.	L-29011/37/78-D-III B. Dt. 17-12-79.	Steel Authority of India Limited, Rourkela Steel Plant and its workmen.	
6.	I.D.5/77	L-29012/4/77-D-III B. Dt. 5-2-77	Shri D.R. Tuli, Rising Contractor of Dungri Lime Stone Mines of M/s. I.D.C. of Orissa Limited and their workmen.	15. I. D. 7/79 B. Dt. 24-12-79.	L-29011/12/79-D. III B. Dt. 24-12-79.	Steel Authority of India Limited, Rour- kela Steel Plant and its workmen.	
7.	I.D.6/77	L-29012/2/77-D-IV B. Dt. 5-2-77.	Shri S.M. Agrawalla, Rising Contractor of Dungri Lime Stone Mines of M/s. I.D.C., of Orissa Limited and its workmen.	16. I.D. 8/79 B. Dt. 21-12-79.	L-26011/2/79-D. III B. Dt. 21-12-79.	Management of M/s. Mining & Transporting Company Contractor of Kalta Iron Mines of Rourkela Steel Plant of Steel Authority of India Ltd. and its workmen.	
8.	I.D.9/77	L-42011(23)/76-D-II (B) Dt. 26-12-77.	Management of Food Corporation of India, Orissa Region, Regional Officer, Bhubaneswar, and their workmen.	17. I.D. 1/80 B. Dt. 2-1-80.	L-29011/22/79-D. III B. Dt. 2-1-80.	Management of Boula Chromite Mines of M/s, Ferro Alloys Corporation Ltd. Bhadrak, Balasore and their workmen.	
9.	I.D.2/78	L-12012/134/77-D-II A. dt. 2-5-78.	Indian Overseas Bank, Bhubaneswar and its workmen.	18. I.D. 2/80 B. Dt. 15-5-80.	L-29011/34/78-D. III B. Dt. 15-5-80.	Management of Steel Authority of India Ltd., Rourkela and its workmen.	
				19. I.D 3/80 B. Dt. 15-5-80.	L-29011(28)/78-D. III B. Dt. 15-5-80.	Management of Sundergarh Mining Labour Contract Cooperative Society Ltd., Contractors at Purunapani Lime Stone & Dolomite Quarry of Rourkela Steel Plant of Steel Authority of India Ltd., Purunapani and its workmen.	
				20. I.D. 5/80 B. Dt. 25-7-80.	L-26011/2/80-D. III B. Dt. 25-7-80.	M/s. L. Lal and Company Ltd., Barbil and its workmen.	

1	2	3	4	1	2	3	4
21. I.D. 6/80	L-26011/4/80-D. III	Management of Jilling Longalota Iron Mines of M/s. S. Lal and Co. Ltd., Barbil and its workmen.					2. Thakurani Iron Mines of Md. Serajuddin & Co. Thakurani.
22. I.D. 7/80	L-26011/5/80-D. III	Management of Jilling Longalota Iron Mines of M/s. S. Lal and Co. Barbil and its workmen.					3. Orissa Mining Corporation Ltd., Barbil.
23. I.D. 8/80	L-26011/7/80-D. III	Management of Jilling Longalota Iron Mines of M/s. S. Lal and Co. Barbil and their workmen.					4. M/s. S. Lal & Co., Barbil.
24. I.D. 9/80	L-26011/8/80-D. III	Management of Jilling Longalota Iron Mines of M/s. S. Lal & Co. Ltd., Barbil and their workmen.					5. Roida Iron Mines of K.N. Ram, Barbil.
25. I.D. 11/80	L-12012/135/79-D. II A. Dt. 25.9.80	Management of Punjab and Sind Bank, Cuttack and their workman Sri Harpal Singh.					6. Gandhamardan Iron Mines of O.M.C. Ltd., Suakati
26. I.D. 12/80	L-38012 (2) /80-D.IV (A), Dt. Nil.	Management of Paradip Port Trust, Paradip At/ Po. Paradip port and their workmen.					7. Hindustan General Electrical Corporation Ltd. Barbil.
27. I.D. 13/80	L-12012/124/78-D.II A.dated 7-10-80	Management of Punjab National Bank, Calcutta and their workman.					8. Guali Iron Mines of M. H. Rahman, Guali.
28. I.D. 14/80	L-26011/13/80-D.III B.Dt.13-10-80	Management of Jilling Longlota Iron Mines of M/s. S. Lal & Co., Barbil and their work man.					9. M/s. Arjuna Ladha, Chainbasa.
29. I.D. 15/80	L-38012/2/79-D.IV (a) Dt. 15-11-80	Management of Paradeep Port Trust, Paradip and their workman.					10. M/s. S.C. Padhee Mines owner, Joda.
30. I.D. 1/81	L-24012/80/D.IV.B Dt.15-12-80	Management of Talcher Colliery of Central Coalfield Ltd., Dera Colliery and their workman, Sri Gokul Chandra Das.		34. I.D.6/81	L-24012(1)/81-D.IV (B), dt. 24-7-81		11. Surguturia Iron Mines of M/s. R.S.B. Deo, Barbil.
31. I.D.2/81	L- 011/12/77-D.III B. t 16-1-81	Management of Rourkela Steel Plant of Steel Authority of India, Rourkela and their workmen.		35 I.D.7/81	L-26012/13/80 D. III B. dt. 11-8-81		12. Jalhari Iron Mines of M/s. K.M.C., Bansapani.
32. I.D. 3/81	L-26012/14/80.D III B. Dt.28-1-81	The Management of Jilling Longalota Iron Mines of M/s. S. Lal & Co. Barbil and their workmen.					13. Janjang Iron Mines of H.G. Pandya, Barbil.
33. I.D.5/81	L-26011/18/80-D. III (B) dt. 4-3-81.	1. Orissa Minerals Development Company Ltd. Thakurani.		36. I.D.8/81	L-38012/1/81- D. IV (A), dt. 13-8-81		14. M/s. Rungtaa Mines Private Ltd., Chain basa.
							15. Mañgilal Rungta Chaibasa & Keonjhar Mines and Forest Workers Union, Barbil.
							The management of Central Coalfields Ltd. At/ PO. Dera Colliery, Dist. Dhenkanal Vs. workman.
							The management of Tata Iron & Steel Co. Ltd.'s Joda West Manganese Mines Nuamundi, District Singhbhum (Bihar) Vs. Its workman.
							Management of Paradip Port Trust, Paradip, District Cuttack (Orissa) Vs. Its workman.

Sl. No.	Misc. No. of the Case main case No. in connection with which this complaint has arisen	Date of the application	Name of the Parties (Under section 33A of the Industrial Disputes Act, 1947)		1. 10/80	2. I.D.8/77 (Central)	3. 29-8-80	4. 29-8-80	5. Sri Jaladhar Nayak Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.
			1	2					
1. 1/80	I.D.8/77 (Central)	29-8-80	Shri Naren Ho. Vs. Management of Boula Chromite Mines M/s. Ferro Alloys Corporation, Dhanurjoypor.		11. 11/80	I.D.8/77 (Central)	29-8-80	Sri Guru Charan Patra Vs. Management o Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.	
2. 2/80	I.D.8/77 (Central)	29-8-80	Shri Naripatra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.		12. 12/80	I.D.8/77 (Central)	29-8-80	Sri Raghunath Patra, Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.	
3. 3/80	I.D.8/77 (Central)	29-8-80	Sri Kanda Patra Vs. Management of Boula Chromite Mines, M/s, Ferro Alloys Corporatation, Dhanurjoypor.		13. 13/80	I.D.8/77 (Central)	29-8-80	Sri Sanatana Patra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.	
4. 4/80	I.D.8/77 (Central)	29-8-80	Sri Adikanda Muduli Vs. Management of Boula Chromite Mines M/s. Ferro Alloys Copperration, Dhanurjoypor.		14. 1/81	2/78 (Central)	30-5-81	All Orissa Overseas Bank Employees Union represented through its General Secretary, Indian Overseas Bank, Cuttack. Vs.	
5. 5/80	I.D.8/77 (Central)	29-8-80	Sri Chakradhar Patra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.		15. 1/81	I.D.5/81 (Central)	13-8-81	1. D.G.M. Personnel, Indian Overseas Bank, Madras. 2. B.M. Indian Overseas Bank, Rourkela-II. 3. B.M. Indian Overseas Bank, Rourkela Township Branch, Rourkela-5.	
6. 6/80	I.D.8/77 (Central)	29-8-80	Sri Mahendra Patra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.		16. 2/81	I.D.5/81 (Central)	13-8-81	M/s. S. Lal & Co. Ltd., PO. Barbil, Keonjhar Vs. Sri Manikar Kisan.	
7. 7/80	I.D.8/77 (Central)	29-8-80	Sri Natha Patra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.		17. 3/81	I.D.5/81 (Central)	13-8-81	M/s. S. Lal & Co. Ltd., PO. Barbil, Keonjhar Vs. Sri Danardan Nalk. Mahanta.	
8. 8/80	I.D.8/77 (Central)	29-8-80	Sri Baidhar Patra Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, Dhanurjoypor.					[No. S.11025(6)/81-D.IV(B)] S. S. MEHTA, Desk Officer	
9. 9/80	I.D.8/77 (Central)	29-8-80	Sri Raghunath Giri Vs. Management of Boula Chromite Mines, M/s. Ferro Alloys Corporation, * Dhanurjoypor.					New Delhi, the 30th November, 1981	

S.O. 3414.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employer in relation to the management of South Central Railway, Secunderabad and their workmen, which was received by the Central Government on the 20th November, 1981.

BEFORE SRI B. PRASADA RAO, B.A., B.L., THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 19 of 1980

BEWEEN

Workmen of South Central Railway, Secunderabad ;

AND

The Management of South Central Railway, Secunderabad.

APPEARANCES :

Sri P. Krishna Reddy, Advocate—for the Workmen.

Sri M. Ram Mohan Rao, Advocate—for the Management.

AWARD

This reference made by the Government of India under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 relates to the dispute between the Workmen of South Central Railway and the Management of South Central Railway regarding back wages claimed by the Workmen in respect of the period from 10-5-1975 to 9-8-1978. Following is the issue that is to be decided by this Tribunal :—

"Whether the Casual Labour mentioned in 'Annexure A' whose services have been terminated by the Divisional Engineer (Doubling), South Central Railway, Vijayawada on 10-5-1975 without complying with the provisions of Section 25-F of Industrial Disputes Act, 1947, and who were re-instated from 10-8-1978 are entitled to any wages for the period from 10-5-75 to 9-8-1978 ? If so, to what extent ?"

Annexure 'A'

1. Shri Koreti John
2. Shri P. Ramakoti
3. Shri P. Venkateswara Rao
4. Shri K. Satyanarayana
5. Shri K. Thirupathaiah
6. Shri L. Ramachandra Rao
7. Shri S. John
8. Shri N. Narasimham
9. Shri Bandaru Kothaiah
10. Shri N. Arogyam
11. Shri K. Venkateswara Rao
12. Shri P. Zakariah
13. Shri Ch. Nagabhushanam
14. Shri Ch. Koteswara Rao
15. Shri Gutala Rani
16. Shri N. Yesudevamma
17. Shri K. Nagarathnam
18. Shri D. Nageswaramma
19. Shri Vemu Kamalamma
20. Shri Kaila Vimalamma
21. Shri D. Ratnamma
22. Shri Vemu Elizabeth
23. Shri K. Kotewaramma
24. Shri B. Kamalakar Rao.

2. The Workmen filed a claims statement contending as follows :—The Petitioners were working as casual labourers under the Permanent Way Inspector (Doubling), South Central Railway, Vijayawada. They had put in a number of years of service. The authorities proposed to terminate their services on some pretext. With that object in view the Railway Administration served retrenchment notice dated 9-3-1975 on the petitioners, 24 in number, and some others. The petitioners and others then filed a Writ Petition No. 1270 of 1975 questioning the same on the ground that the Permanent Way Inspector who gave the termination notice was not their employer and that hence the termination was illegal. The authorities then realised the mistake committed by them and hence withdrew the notice. On account of it the High Court dismissed the Writ Petition as being infructuous. On 10-3-1975 when the Petitioners and others went for duty they were not allowed to work. Neither notice of retrenchment nor salary for one month in lieu of notice, as contemplated under Section 25F of the I.D. Act, was given to them and

hence they filed the Writ Petition No. 2870 of 1975. Some other casual labourers who were also similarly treated filed Writ Petition No. 5626 of 1975. Writ Petition No. 5626/75 came up for hearing earlier, and by that time, Article 226 of the Constitution of India was amended by the 42nd amendment, 1976. According to Article 226(3), alternative remedy was made a bar for maintaining the Writ Petition. In view of it, the High Court held in Writ Petition No. 5626 of 1975 as follows :—

"As it is not denied that the retrenchment compensation was not offered within the time stipulated in the Section, it would follow that the retrenchment is not justified".

3. When the Writ Petition filed by the Petitioners i.e. Writ Petition No. 2870 of 1976 came up before the High Court, the learned Judges extracted the finding from the previous Judgment given in the Writ Petition No. 5626/75 and held as follows :—

"The order made in Writ Petition No. 5626 of 1975 equally applies to this case also."

Though the Writ Petition was disposed of on 26-9-1977 the Petitioners were not taken into duty until 10-8-1978. Hence the Petitioners are entitled to back wages with effect from 10-5-1975 to 9-8-1978.

4. The Management filed a counter statement as follows : It is a fact that the Administration served retrenchment notice dated 9-5-1975 on all the Petitioners but the said notice was subsequently withdrawn as the Administration felt that it is the Divisional Engineer that should issue the notice but not the Permanent Way Inspector. In view of it, Writ Petition No. 1270 of 1975 was dismissed as being infructuous. These Petitioners and other casual labourers were continued in service till 9-5-1975 when action was taken in retrenching them. Instead of giving one month's notice, the Petitioners were arranged payment of one month wages, as retrenchment compensation due to them as per law. However, they filed Writ Petition No. 2870 of 1975 in the High Court on the ground that retrenchment was not justified. The High Court dismissed the said Petition on the ground that it was not the forum for such disputes. Subsequent to the disposal of the Writ Petition by the High Court, the Petitioners never approached the Management or reported for duty. There was no obligation on the part of the Management to invite the Petitioners for duty. As the Petitioners did not report for duty from 26-9-1977 till 10-8-1978 they were not entitled for any back wages. In any event, as these are casual labourers, their services are dispensable whenever there was no work, and on the completion of the work the employment is abolished, and as such it cannot be treated as retrenchment within the provisions of the I.D. Act. The Petitioners were offered caution notice pay and retrenchment compensation, but they refused to receive the same. For the above mentioned reasons the Petitioners are not entitled to any amount.

5. The Petitioners were previously working as casual labourers under the Permanent Way Inspector (Doubling) South Central Railway, Vijayawada. The Railway Administration served retrenchment notice dated 9-3-1975 on all the employees including the Petitioners. They filed a Writ Petition No. 1270 of 1975 in the High Court on the ground that the Permanent Way Inspector who gave the notice of retrenchment was not the competent authority to give the said notice as he was not their employer. The management realised the mistake committed by them and withdrew the notice. This was mentioned in the High Court at the time of the hearing of the Writ Petition and hence it was dismissed as it became infructuous. Subsequently, when the Petitioners went for duty on 10-5-1975 they were not allowed to work by the Management. Neither any notice of retrenchment nor salary in lieu of it as contemplated under Section 25F of the I.D. Act was given to them. Hence they filed Writ Petition No. 2870 of 1975. Some other workmen who were in a similar situation as these Petitioners, filed another Writ Petition which is W.P. No. 5625 of 1975. The latter came up for hearing earlier. By that time, Article 226 of the Constitution of India was amended. As per Article 226(3), alternative remedy was made a bar for maintaining Writ Petition. The learned judges of the High Court held in Writ Petition No. 2870 of 1975 as follows :—

"This Court in a similar Writ Petition (Writ Petition No. 5626 of 1975) dated 15-7-1977 disposed of the said application observing :—

As it is not denied that the retrenchment compensation was not offered within the time stipulated in the Section, it would follow that the retrenchment is not justified.

The Writ Petition was, however, dismissed as it was contended by the learned counsel for the respondents that the question whether the retrenchment was legal or not, should properly be the subject matter of an industrial dispute and as there was another remedy for the petitioners, Writ Petition would not lie under Article 226(3) of the Constitution (Forty Second) Amendment, 1976. The Court made the following order :

"This contention has to be accepted and the Writ Petition has to be dismissed on that ground. It is open to the petitioners to raise this question by way of an industrial dispute or by any other appropriate remedy." The order made in Writ Petition No. 5626 of 1975 would equally apply to this case also. An order on the lines issued in that writ petition will be issued in this writ petition also. No costs."

6. The case of the Petitioners is that even though their writ petition was disposed of on 26-9-1977 they were not taken back to duty till 10-8-1978 and that hence they are entitled for back wages from 10-5-1975 to 9-8-1978. The contention of the Management is that the Petitioners never approached the management nor reported for duty after the judgement was given in the writ petition, that there was no obligation cast on the management to invite the employees for duty, and that as the petitioners reported for duty only on 10-8-1978 and not earlier they are not entitled for any back wages prior to 10-8-1978. But it is argued on behalf of the workmen that they in fact approached the management to take them back to work but that they were not taken back until 10-8-1978. This is disputed by the other side (Management). At the outset it is contended by the learned counsel for the workmen that the question of these workmen requesting the Management to take them back to duty does not arise, in this particular case, on account of the reason that as per the judgement given by the High Court in Writ Petition No. 2870/75 filed by the petitioners, the petitioners should raise this question by way of an industrial dispute or by any other appropriate remedy, that hence, it is this Tribunal that has the right to order the reinstatement of the petitioners, that until this Tribunal decides that the Petitioners are to be taken back to duty they cannot approach the management, and that hence, even assuming for the purpose of argument that they did not approach the management for taking them back to work, that does not alter the situation. It is not possible to agree with the said argument on account of the reason that this Tribunal is concerned only with the question of back wages claimed by the Petitioners, as that is the subject matter of the reference made to this Tribunal by the Government. As far as reinstatement is concerned, it was already done by the Management and they were taken back to duty on 10-8-1978. So, the question that remains to be solved is only whether they are entitled for back wages or not.

7. As stated already, the contention of the Petitioner is that after the disposal of the Writ Petition by the High Court they approached the Management but that the Management did not take them back until 10-8-1978, to that effect is the evidence given by W.W. 1 and 2 examined on behalf of the workmen. W.W. 1 is a gangman who is working under the Permanent Way Inspector (Doubling) Vijayawada. He speaks to the facts mentioned in the claims statement. He states that after the disposal of the writ petition, they approached the Railway authorities a number of times and requested them to take them back into service, that later they met the Assistant Labour Commissioner also and that finally on the advice of the Assistant Labour Commissioner they were taken back to duty on 10-8-1978. Practically to the same effect is the evidence given by W.W. 2 who is the General Secretary of the Employees' Union, Vijayawada in which the petitioners are members. M.W. 1 is the Head Clerk in the office of the Divisional Engineer (Doubling) South Central Railway. He says that after the disposal of the Writ Petition none of the employees reported for duty, that finally on 10-8-1978 these Petitioners were taken back to duty, and that the remaining eight employees who were also parties to the writ petition did not report for duty even

subsequently. He further states that before approaching the Assistant Labour Commissioner, the Petitioners did not give any notice to the Management for taking them back to service and that hence they are not entitled for wages during the period they did not work.

8. It is argued by the learned counsel for the Management that the evidence given by M.W. 1 shows that the petitioners never approached the Management to take them back to work, and that there was no obligation on the part of the Management to invite them to come and work. In support of the said argument, he relied on the decision PEER MOHAMMED & CO. vs. MD. HUSSAIN [1968 (II) LLJ, page 98]. In the said decision it was held :

"It is not the duty of the employer to take steps to invite the employee to rejoin but it is the duty of the employee concerned either to claim or inform in writing that he is ready and willing to join service within a reasonable time or to give notice that he should be reinstated. In the absence of any of these, the employer is under no legal obligation to take steps to reinstate the employee. What is reasonable time would depend on the facts and circumstances of each case."

Relying on the above decision, it is contended by the learned counsel for the Management that in the present instance also the Petitioners are not entitled for back wages as they did not approach or request the Management to take them back to work, nor did they report for duty until 10-8-1978, and that hence they are not entitled for back wages. But it is contended on behalf of the Petitioners that they in fact approached the Railway Administration to take them back to duty, but that they (Management) did not do it, and that the evidence given by W.Ws. 1 and 2 clearly shows the same. It is argued by the learned counsel for the Management that the evidence given by W.Ws. 1 and 2 cannot be believed on account of the reason that they did not mention about the fact of their approaching the Management with a request to take them back in the claims statement made by them, nor did they give any notice in writing after the disposal of writ petition asking the management to take them back, and that hence their evidence given for the first time in this Tribunal, to the effect that they approached the management but that Management did not take them back, cannot be believed. I am not inclined to agree with the said argument. When the writ petition was disposed of holding that the retrenchment was not justified, they had the right to be taken back to work. When that was so, and when the Petitioners were without work for a long period namely, about three years from 10-5-1975 it is most improbable to believe the case of the Management that the Petitioners did not approach the Management for taking them back to work. As per the evidence given by W.W. 1, he and the other Petitioners approached the Railway Authorities a number of times and requested them to take them back to work. W.W. 2 who is the Secretary of the Union says that he instructed the Petitioners to approach the Permanent Way Inspector (P.W.I.) (Doubling) Vijayawada, that they did it and that they were told by the Permanent Way Inspector that he did not receive the orders from his Superior Officer and that the workmen continued going like that for six months, but were finally told that the Writ Petition was dismissed. It is contended by the learned counsel for the Management that the evidence given by this witness cannot be believed as there is nothing in writing to show that the petitioners ever approached the management to take them back to work. But as stated already, it is most improbable to think that these Petitioners never approached the Management to take them back to work, even after disposal of the writ petition, as they were without work for years together. As per the evidence given by W.W. 2, when the workmen approached the Permanent Way Inspector, as he was the person under whom these people were working, the Permanent Way Inspector told him that the office did not receive any orders from his superiors. Their superior is the Divisional Engineer (Doubling). Unless he sends the order to his subordinate, namely, the Permanent Way Inspector under whom the Petitioners were working, the Permanent Way Inspector cannot take them back. M.W. 1 who is the Head Clerk working in the office of the Divisional Engineer (Doubling) admits in his evidence that the Divisional Engineer did not instruct the Permanent Way Inspector, in writing, to take back the petitioners to duty after he received the orders from the High Court. So, when he did not instruct his subordinate,

namely, the Permanent Way Inspector to take back the Petitioners to duty, the Permanent Way Inspector could not take back the petitioners to duty. On the material placed before this Tribunal, it has to be stated that the Management did no take back the petitioners to duty after the disposal of the writ petition though the Petitioners requested the Management to take them back to work. Hence I find that the petitioners are entitled to back wages.

10. The next point that arises for determination is the quantum of back wages to which the petitioners are entitled. They claim back wages for the period from 10-5-1975 to 9-8-1978. That is for about three years and three months. During this period, evidently, they did not work. In those circumstances it is not desirable that they should be paid full wages. I think they can be given half wages for that period, which I feel, would be fair and equitable in the circumstances of the case. For the above reasons I find that the Petitioners are entitled for half back wages for the period claimed by them.

11. An award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 23rd day of October, 1981.

Sd/-

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses Examined for Workmen

W.W. 1 Ch. Venkateswara Rao
W.W. 2 M. V. Subbaiah

Witnesses Examined for management

M.W. 1 V. Vasudava Sastry

Documents Exhibited for Workmen and Management

Nil

Sd -
INDUSTRIAL TRIBUNAL
[No. L-41011(2)/79-D.I.B]
S. S. BHALLA, Desk Officer

New Delhi, the 7th December, 1981

S.O. 3415.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of All India Radio, Indore and their workman, which was received by the Central Government on the 28th November, 1981.

BEFORE JUSTICE SHRI S. R. VYAS (RETD.) PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

CASE NO CGIT/LC(R)(58)1980

PARTIES :

Employers in relation to the management of All India Radio, Indore and their workman, Shri Ramesh, Helper, C/o Shri Shiv Kumar, 140 Mustakhedi North, Indore (M.P.)

APPEARANCES :

For workman—Shri Bhave, Advocate.

For Management—Shri B. G. Nema, Advocate.

INDUSTRY : Communication DISTRICT : Indore (M.P.)

AWARD

Dated : November 23, 1981.

By Notification No. 1-42012(24)80 D II(B) dated 20-8-1981 Government of India in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication :

Whether the action of the Engineer-in-Charge of All India Radio, Indore, in terminating the service of Shri Ramesh, Helper, with effect from the 15th September, 1979, and thereafter again reappointing

him on the 29th October, 1979, and rendering him idle from 22nd November, 1979, is justified ? If not, to what relief is the said workman entitled ?"

2. The workman's contention is that since 1976 he was employed on a permanent post of helper and he continued to discharge his duties on this post till the middle of September 1979. The workman further contends that with effect from 15-9-1979 he was not given employment which meant his retrenchment within the meaning of Section 25F of the Industrial Disputes Act, 1947, hereinafter referred as the Act. He further contends that since he was in continuous service from 1976 and he was retrenched without any payment of compensation he approached the authority concerned for getting the desired relief but was unsuccessful. He accordingly prays for setting aside the order of termination his services and reinstatement with full back wages and other consequential benefits.

3. In reply to the demands the management of the All India Radio, hereinafter referred to as the AIR, contends that there was no permanent post of a Helper as alleged by the workman; that AIR being a Government Department no employment of a permanent nature could be made without proper sanction; that the employment given to the applicant was of a casual nature and not permanent; that the workman was employed casually as and when there was work for the workman; that the workman also discharged his duties as a casual employee at his own sweet will; that he was not employed from 1976 as alleged; that false averments made in the statement of demand; that the workman was neither in continuous service as contemplated by Sec. 2(oo) and 25F of the Act and the workman is not entitled to any relief.

4. In view of these respective contentions of both the parties, except the above dispute referred for adjudication, no other issue arises for decision.

5. In support of the rival contentions by both the parties oral and documentary evidence was given by them. Having considered the said evidence I have reached the conclusion that in this case the workman is not entitled to the reliefs claimed by him

Reasons :—

6. Though in the statement of demand the workman had claimed that he was employed since 1976 but in his oral statement as W. W. 1 he states that his employment commenced from January 1977 and continued upto 15-9-1979. It, therefore, clearly shows that with regard to the first date of appointment the workman has contradicted himself.

On behalf of the management M. W. 1, Shri R. N. Paul, states that the workman was employed from 20th January, 1978 as a Helper. During the course of the hearing of this reference extracts from the attendance registers were filed as Ex. M. W. 1 for the period January, 1978 to November, 1979. No other documentary evidence has been produced by the workman to show that his employment was from 1976. I have no reason to disbelieve Shri R. N. Paul, Asstt. Engineer of the All India Radio who says that the workman was employed on daily wages and that too on casual basis from 1978.

7. The workman has contended that his daily wages for painting work were Rs. 4.25 per day and that when he demanded increased wages his services were discontinued. He also admits that during one week he was employed only for five days and weekly payments were made. Attendance registers of the workman was made available to him and after going through the attendance registers an agreed tabulated statement regarding the workman's attendance under signatures of both the parties was filed. This shows the number of days for which the workman was employed every month from January 1978 to November 1979. According to this statement during every week employment given to the workman was casual and not regular. This statement further shows that from January 1978 to December 1978 he was given employment for 203 days and in 1979 for 140 days only. In some months for example in March 1979 there was no employment even for a single day. In October 1979 the employment was only for 5 days. On the basis of this statement it has to be considered whether the workman can said to have been in continuous service so as to attract the provisions of Sec. 2(oo) and 25F of the Act. It is clear that if

from the date from which these days are to be calculated during every week the workman was employed for five days has not completed 240 days within the 12 calendar months preceding this day. Similarly even if calculation is made from the end of December 1978 even then during the entire period of 1978, the workman did not have employment for 240 days.

8. Learned Counsel for the workman contended that during every week the workman was employed for five days only and for two days no employment was given. These two days, according to the learned Counsel for the workman should be treated as regular employment and should be taken into consideration for calculating the period of 240 days. This contention, in my opinion, is not correct. What is contemplated by the aforesaid provisions of the Industrial Disputes Act is that the total days of employment within a period of 12 calendar months from the relevant date i.e. the date of termination should be 240 days. In this case a reference may be made to the decision in *Mohan Lal Vs. Management of Bharat Electronics Ltd.* (A.I.R. 1981 SC 1253) where it is clearly laid down that the commencement of the period of 12 calendar months is to be counted backward and it has to be found as to whether the total number of days of employment has or has not been for 240 days. In this case, according to one party the employment ceased in September 1979 but according to the joint statement filed ceased in November 1979. If the number of days are counted from November 1979 backward the total number of days do not exceed 240 days. In these circumstances the workman cannot be treated to be in continuous service of the AIR and since he was not in continuous service the termination of his services does not attract the aforesaid provisions of Sec. 2(oo) and 25F of the Act.

9. Both from the oral as well as from the documentary evidence it is clear that workman was employed only on a casual basis as and when work was available. In the year 1979 in one month he was employed for five days, in other months there was no employment at all and in the remaining months the employment varied from 10 to 23 days. This clearly goes to show that he was a casual labourer employed on daily wages and was not in continuous service. Consequently, the workman cannot claim any retrenchment compensation from the management of the All India Radio.

10. Accordingly for the reasons given above, the termination of the workman's services from 15th September, 1979 and thereafter again re-appointing him from 29th October 1979 and not providing him any employment from 22-11-1979 was fully justified and the workman is not entitled to any relief claimed in this case. The reference is answered accordingly. In the circumstances of the case, there will be no order as to costs.

S. R. VYAS, Presiding Officer
[No. L-42012/24/80-JI-B]

S.O. 3416.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of All India Radio, Indore and their workman, which was received by the Central Government on the 28th November, 1981.

BEFORE JUSTICE SHRI S. R. VYAS (RETD.) PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

(M.P.)

Case No. CGIT/LC(R) (35)/1980

PARTIES :

Employer in relation to the management of All India Radio, Indore, and their workman Shri Shiv Kumar Carpenter, 140 Mustakhedi North, Indore (M.P.)

APPEARANCES :

For workman—Shri Bhave, Advocate.

For Management—Shri B. G. Nema, Advocate.

INDUSTRY : Communication DISTRICT : Indore (M.P.)

AWARD

Dated : November, 23, 1981

Government of India in the Ministry of Labour, exercising its power conferred by Clause 10(a)(d) of the Industrial Disputes Act 1947, has referred the following dispute to this Tribunal for adjudication vide Notification No. L-42012(21) 80-D II(B), dated 2nd July, 1980 :—

"Whether the action of the Engineer-in-Charge of All India Radio, Indore, in terminating the services of Shri Shiv Kumar Carpenter, with effect from 15-9-1979 is justified ? If not, to what relief the workman is entitled ?"

2. The claim of the workman in this case is that he was employed as a Carpenter by the management of the All India Radio, hereinafter referred to as the AIR, on a vacant and permanent post; that on this post he worked for two years; that though the availability of work of the aforesaid post still existed the management terminated his employment without the assignment of any reason; that such a termination was in contravention of Sec. 25F of the Industrial Disputes Act 1947, hereinafter referred to as the Act; that in accordance with the aforesaid provisions of the Act he should have been paid retrenchment compensation which was not paid that as and when workman demanded increased revised wages his services were terminated and for these reasons he is entitled to reinstatement with all benefit of back wages etc. etc.

3. In reply to this claim it is stated on behalf of the management that the workman was not a qualified Carpenter; that as and when there was a need for a carpenter the workman was employed on a casual basis; that he was not working on a permanent and vacant post; that there was no post of a Carpenter in the sanctioned strength of the AIR at Indore; that between June 1978 to September 1979 he did not work for the required number of days so as to make his service as continuous service within the meaning of Sec 2(oo) and Sec. 25F of the Act; that even after the termination of his service he was offered employment but he himself did not report for duty and that in these circumstances the workman is not entitled to any relief. In view of these respective contentions of both the parties the only question to be decided is the dispute referred to for adjudication to this Tribunal which has already been reproduced above.

4. Both the parties have led oral and documentary evidence in support of their respective claims. Having considered the evidence given by both the parties I have reached the conclusion that the workman in this case is not entitled to any relief for the reasons given below.

Reasons :

5. In this statement the workman Shri Shiv Kumar W.W. 1 has stated that his initial employment was with effect from 10-3-1978 on a daily wages of Rs. 12.78 P. as Carpenter. This employment, according to him, continued upto 15-9-1979. Lastly according to him when he demanded increased wages not only he, but other employee of the All India Radio also, were discontinued from their employment. He accordingly claims reinstatement from 15-9-1979 with all wages and other consequential benefits.

6. In his cross-examination he admits that besides the aforesaid employment in the All India Radio he was carrying on his own business as a Carpenter and supplied furniture, privately prepared by him to the All India Radio. He admits that during every week he was employed for five days only and if during one week he was given employment for 6th day also then the additional day was counted as working day of the next week. He was confronted with the management's notice Ex. M/1 dated 22-10-1979 according to which he was offered employment on daily wages at Rs. 10.80 per day for a period of one month but he refused to take the employment as offered.

7. On behalf of the management Shri R. N. Paul, M.W. 1 was examined and he stated that the workman was employed on daily wages from June 26, 1978 and prior to that date he was not under the management's employment; that whenever Shri Shiv Kumar reported for employment some work was allotted to him; that he was not regular either in reporting for work or for seeking employment and that on some

occasions he remained absent from 5 to 10 days continuously. This witness further says that when the workman demanded wages more than the daily wages fixed by the competent authority the employment could not be given to him.

8. During the course of the hearing the attendance registers of the workman from 19th June 1978 to September 1979 were made available and a joint statement under the signatures of both the parties was filed. According to this statement from July 1978 to September 1979 the applicant was given employment for 280 days in 16 months. The question is whether in the light of this joint admitted statement prepared on the basis of attendance registers the workman can be said to be in continuous service for the purposes of Section 2(oo) and 25F of the Act.

9. It is clear from his statement Ex. M/1 that the employment given to and accepted by the workman has not been at all continuous. For the purposes of the application of Sec. 2(oo) and 25F of the Act it has to be seen whether from the relevant day i.e. the date of termination of the employment the workman has or has not been in employment for 240 days. On the basis of this statement, it would be clear that if calculated from the month of September 1979 backwards the total number of working days comes to 219 days only which is less than 240 days. Consequently in view of the decision in Mohan Lal Vs. Management of Bharat Electronics Ltd. (AIR 1981 SC 1253) where it has been laid down that the commencement of the period of 12 calendar months is to be counted backward, the workman cannot be said to be in continuous service for the purposes of Sections 2(oo) and 25F of the Act. If the applicant cannot be treated as in continuous service then the termination of his service would not justify a demand for retrenchment compensation or an order of reinstatement. The workman on his own admission was employed on a daily wages and for five days in a week only. During some months on an average he had worked only for 17 days every month but he had not completed 240 days, in 12 calendar months counted backward from September, 1979.

Learned Counsel for the workman contended that during every week the workman was employed for five days only and for two days no employment was given. These two days, accordingly to him, has to be treated as regular employment and should be taken into consideration for calculating the period of 240 days. This contention, in my opinion, is not correct. What is contemplated by the aforesaid provisions of the Act is that the total days of employment within a period of 12 calendar months from the relevant date i.e. the date of termination should be 240 days. In the aforesaid decision of the Hon'ble Supreme Court (Mohan Lal Vs. Management of Bharat Electronics Ltd. (A.I.R. 1981 SC 1253) it is clearly laid down that the commencement of the period of 12 calendar months is to be counted backward and it has to be found as a fact as to whether the total number of employment was or was not 240 days. As stated above the workman has not completed 240 days counted backward from the relevant date of termination. Accordingly the workman cannot said to be in continuous service so as to entitle him to the benefits of Sec. 25F of the Act.

10. In view of the facts stated and reasons given above the workman being not in continuous service as contemplated by Sections 2(oo) and 25F of the Act he is not entitled to any compensation or the relief of reinstatement with full back wages etc. Reference is answered accordingly. In the circumstances of the case, both the parties are directed to bear their own costs as incurred.

S. R. VYAS, Presiding Officer

[No. L-42012/21/80-D.II.B]

S. S. BHALLA, Desk Officer

नई दिल्ली, 30 नवम्बर, 1981

का० आ० 3417.—केन्द्रीय सरकार, लौह प्रयोग खान प्रीर मैग्नीज प्रयोग खान अम कल्पण निधि नियम, 1978 के नियम 3 के उपनियम 2 के साथ पठित लौह प्रयोग खान प्रीर मैग्नीज प्रयोग खान अम कल्पण निधि, 1976 (1976 का 61) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के अम मन्त्रालय की अधिसूचना

संघटा का० आ० 1991 तारीख 21, 1976 का अधिकायण करते हुए, उड़ीसा राज्य के लिए सलाहकार समिति गठित करती है, जिसमें निम्नसिद्धि सदस्य छाँगे, अर्थात् —

1. श्रम प्रीर, रोजगार, मंत्री,	भ्रष्टाचार,	
लौह प्रयोग खान,	अम कल्पण संगठन, विवकेनाशद मार्ग, भुवनेश्वर (उड़ीसा)	उपायकान्पद्धति
3. केन्द्रीय अमायक (केन्द्रीय),	सदस्य-परेन	
श्रम मन्त्रालय, भारत सरकार, भुवनेश्वर, उड़ीसा।		
4. श्री जगप्राप्त राउल, विद्यालय धामगढ़र (बालमोर)		
उड़ीसा।		
5. श्री रवी पट्टनायक, सेकेटरी, बन्धानी खान भालिक एकायनेश्वर, जोड़ा, उड़ीसा।	लौह प्रयोग खान मानिकों के प्रतिनिधि।	
6. प्रबन्धक निवेशक, उड़ीसा खान नियम, भुवनेश्वर उड़ीसा।		
7. श्री की० राणा, ठाकुरानी लौह प्रयोग खान झाकधर झारविल, जिला ब्यांकेर (उड़ीसा)	लौह प्रयोग खान मानिकों के प्रतिनिधि।	
8. श्री बुग्लिरण भोजस्ती, उपायकान्पद्धति, भारत हाईकोर्ट द्वेष यूनियन फार्मेस, (एट्क) की उड़ीसा राज्य समिति बादमबारी, कटक-७।		
9. श्रीमती शकुला पांडा, समाजिक कार्यकर्ता, मुकाम झाकधर भनितरी बाया-सोरि, जिला बालासोर, उड़ीसा	महिला प्रतिनिधि	
10. कल्पण प्रधानक, लौह प्रयोग खान और मैग्नीज प्रयोग, खान अम कल्पण संगठन, बारधिल, उड़ीसा।	भवित	
2. केन्द्रीय सरकार, लौह प्रयोग खान अम कल्पण और मैग्नीज प्रयोग खान अम कल्पण निधि नियम, 1978 के नियम 16 के प्रनुसरण में, भुवनेश्वर की उक्त सलाहकार समिति का मुक्तालय नियत करती है।		

[फा० मे० य० 23017/6/80-एम० iv]

New Delhi, the 30th November, 1981

S. O. 3417.—In exercise of the powers conferred by section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with Sub-rule 2 of rule 3 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978 and in supersession of the notification of the Government of India in the Ministry of Labour No. S. O. 1991 dated the 21st May, 1976, the Central Government hereby constitutes an Advisory Committee for the State of Odisha consisting of the following members, namely :—

1. Minister of Labour and Employment, —Chairman State of Orissa.	3. केन्द्रीय अमायूल्य (केन्द्रीय) हिमोर, बिहार (बिहार)	केन्द्रीय सरकार का अधिकारी पदों
2. Welfare Commissioner, Iron Ore and Manganese Ore Mines Labour Welfare Organisation, Vivekanand Marg, Bhubaneswar, Orissa.	4. श्री समसुदेश खान, एम० एल० ए०, भवत रम, ११८-११९, पटेल पथ, पटना, बिहार।	विद्यान सभा का सदस्य
3. Regional Labour Commissioner (Central), Ministry of Labour, Government of India, Bhubaneswar, Orissa.	5. श्री एस० प्रार० ईंगटा, मैसर्स ईंगटा (प्रा) लिमिटेड १ चौबासा (बिहार)	लौह अपर्स्क खान तथा मैग्नेज अपर्स्क खान- मालिक, बिहार के प्रतिनिधि।
4. Shri Jagannath Rout, Member of Legislative Assembly, Orissa, Dhamnagar (Balasore), Orissa.	6. महाप्रबंधक, फिरीबरू आयरलन और माइस, जिला सिध्धभूम, बिहार	
5. Shri Rabi Patnaik, Secretary, Bansapani Mines Owners Association, Joda, Orissa.	7. श्री प्रार० बी० कांथ, गृष्मा माइन वर्कर्स यूनियन, शाकघर हुड्डा, जिला सिध्धभूम, (बिहार) इडियन नेशनल ट्रेइंग यूनियन, कांप्रेस।	खान अभियों के प्रतिनिधि
6. Managing Director, Orissa Mining Corporation, Bhubaneswar, Orissa.	8. श्री पुरेन्द्र भट्टमवार, जनरल सीक्टरी, यूनाइटेड भिनरैल वर्कर्स यूनियन, शाकघर चक्रघटपुर, जिला सिध्धभूम (बिहार) बाल इडिया ट्रेइंग यूनियन कांप्रेस।	
7. Shri B. Rana, Thakurani Iron Ore Mines, Post Office Barbil, District, Keonjhar, Orissa.	9. श्रीमती ए० रेखा, उप प्रबंधक (कार्मिक) कांप्रेस लैबर सील, बोकारो।	महिला प्रतिनिधि
8. Shri Durgacharan Mohanty, Vice-President, Orissa State Committee of All India Trade Union Congress, Badambari, Cuttack-9.	10. कल्याण प्रसादक, लौह अपर्स्क खान और मैग्नेज, अपर्स्क खान अम कल्याण संगठन, बाराजमदा, बिहार।	सचिव
9. Srimathi Sakuntala Panda, Social Worker, At Post Office Manliri, Via-Sore, District Balasore, Orissa.	2. In pursuance of rule 16 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby fixes Bhubaneswar to be the headquarters of the said Advisory Committee.	2. लौह अपर्स्क खान और मैग्नेज अपर्स्क खान अम कल्याण नियम नियम, 1978 के नियम 16 के अनुसरण में, केन्द्रीय सरकार उक्त खलाह- कार समिति का मुख्यालय बाराजमदा निर्वाचित करती है।
10. Welfare Administrator, Iron Ore Mines and Manganese Ore Mines Labour Welfare Organisation, Barbil, Orissa.	[File No. U-23017/6/80-M. IV]	[संख्या पू-23017/5/80-एम०-IV]) जगदीश प्रसाद, बबर सचिव

लौह दिल्ली, 2 विसम्बर, 1981

का० आ० 3418.—केन्द्रीय सरकार, लौह अपर्स्क खान तथा मैग्नेज अपर्स्क खान अम कल्याण नियम, 1978 के नियम 3 के उप-नियम (2) के साथ पठित लौह अपर्स्क खान तथा मैग्नेज अपर्स्क खान अम कल्याण नियम प्रशिलियम, 1976 (1976 का १!) को बारा ५ ढारा प्रबल शक्तियों का प्रयोग करते हुए और भारत सरकार, अम मंत्रालय की अधिसूचना संभाल का० आ० 281, तारीख 10 जनवरी, 1975 का प्रधिकरण करते हुए, बिहार राज्य के लिए लौह अपर्स्क खान तथा मैग्नेज अपर्स्क खान अम कल्याण नियम के लिए सलाहकार समिति गठित करती है, जिसमें निम्नलिखित सदस्य होंगे, प्रथमतः—

1. अम संचालक, बिहार	अध्यक्ष
2. कल्याण मायूल्य बिहार और उड़ीसा के लिए लौह अपर्स्क खान और मैग्नेज अपर्स्क अम कल्याण संगठन, भुवनेश्वर, उड़ीसा	उपाध्यक्ष, पदेन

New Delhi, the 2nd December, 1981

S. O. 3418.—In exercise of the powers conferred by section 5 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (2) of the rule 3 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978, and in supersession of the notification of the Government of India in the Ministry of Labour number S. O. 281 dated 10-1-75, the Central Government hereby constitutes an Advisory Committee for Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund for the State of Bihar with the following as members, namely:—

1. Labour Minister, Bihar.	—Chairman
2. Welfare Commissioner, Iron Ore Mines and Manganese	—Vice-Chairman, Ex-officio.

Ore Mines Labour Welfare Organisation for Bihar and Orissa, Bhubaneswar, Orissa.	
3. Regional Labour Commissioner (C), Hiracur, Dhanbad (Bihar).	—An officer of the Central Government, ex-officio.
4. Shri Sammsudin Khan, M.L.A. Club Room, 98-99, Patel Path, Patna, Bihar.	—Member of Legislative Assembly.
5. Shri S. R. Rungta, M/s. Rungta (Private) Limited, Chalbassa (Bihar).	Representatives of the Iron Ore Mines and Manganese Ore Mines Owners, Bihar.
6. General Manager, Kliburu Iron Ore Mines, District Singhbhum, Bihar.	
7. Shri R. B. Kanth, Gua Mine Workers Union, P. O. HUA, District Singhbhum, (Bihar)—Indian National Trade Union Congress.	Representative of Mine Workers.
8. Shri Purindru Mozoomdar, General Secretary, United Mineral Workers Union, P.O. Chakradharpur, District Singhbhum (Bihar), All India Trade Union Congress.	
9. Mrs. A. Rekha, Deputy Manager (Personnel), Contract Labour Cell, Bokaro.	Women representative.
10. Welfare Administrator, Iron Ore Mines and Manganese Ore Mines Labour Welfare Organisation, Barajamda, Bihar.	—Secretary.

2. In pursuance of rule 16 of the Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby fixes Barajamda to be the headquarters of the said Advisory Committee.

[File No. U-23017/5/80-M. IV]

JAGDISH PRASAD, Under Secy.

मई इलास्टी, 3 दिसम्बर, 1981

का० आ० ३४१९—केन्द्रीय सरकार द्वारा श्री श्री० राजेश्वर राव एवं श्री टी० प्रसाद को, क्रमशः खातों में नियोजित कर्मचारियों और आन स्थानियों के हितों का प्रतिनिधित्व करने के लिए, कोलया आन बचाव नियम, 1959 के नियम 3 के उपनियम (1) के अधीन घोषित केन्द्रीय कोलया आन बचाव केन्द्र समिति के सदस्यों के रूप में नाम निर्दिष्ट किया गया था ;

और श्री श्री० राजेश्वर राव और श्री टी० प्रसाद उन हितों का प्रतिनिधित्व नहीं कर रहे हैं जिनके लिए उन्हें नाम निर्दिष्ट किया गया था और केन्द्रीय सरकार की राय में वे उक्त नियम के नियम 6 के अधीन उक्त समिति के सदस्य नहीं रह गए हैं ।

अतः, केन्द्रीय सरकार, उक्त नियम के नियम 3 के उपनियम (1) के खंड (ii) के अनुभवण में श्री श्री० राजेश्वर राव और श्री टी० प्रसाद के स्थान पर, श्री दासारा वीरमल्लू, ज्येष्ठ श्रीबर मैन और शाक्ता उप प्रधान, सिंगरेनी कोलियरीज घर्कंड यूनियन, मान्तुगुर कोलियरीज आन्ध्र प्रदेश और श्री ए० रामास्वामी प्रपर महागवन्धक (मुरक्का), सिंगरेनी कोलियरीज कम्पनी लिमिटेड, भारत प्रदेश को, क्रमशः खातों में नियोजित

कर्मचारियों और आन स्थानियों के हितों का प्रतिनिधित्व करने के लिए नाम निर्दिष्ट करती है और भारत सरकार के श्रम भवालय की अधिसूचना सं० का० आ० ८११, तारीख १५ मार्च, १९८० का निम्नलिखित और संशोधन करती है, प्रथम् --

उक्त अधिसूचना में, "सदस्य" शब्दके प्रधीन,--

(1) क्रम संख्याक 4 के सामने विद्यमान प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, प्रथम् :--

"४. श्री ए० रामास्वामी,
प्रपर महागवन्धक (मुरक्का),
सिंगरेनी कोलियरीज कंपनी लिमिटेड,
कोठागुदेम कोलियरीज-७०७१०१,
भवराजलम रोड स्टेशन, साउथ सट्टल रेलवे ।"

(2) क्रम संख्याक 7 के सामने, विद्यमान प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, प्रथम् :--

"७. श्री दासारा वीरमल्लू,
ज्येष्ठ श्रीबर मैन और शाक्ता उप प्रधान,
सिंगरेनी कोलियरीज घर्कंड यूनियन,
आ० ब० मान्तुगुर कोलियरीज,
भूरगमपाद नालुक्क,
आन्ध्रम जिला, मान्तुगुर, आन्ध्र प्रदेश-५०७११४।"

[का० सं० य० २३०१९/१/७८-एम०आई०]
ज० के० जौन, भवर साच्चव

New Delhi, the 3rd December, 1981

S.O. 3419.—Whereas Shri V. Rajeswara Rao and Shri T. Prasad were nominated by the Central Government as members of the Central Coal Mines Rescue Stations Committee, constituted under sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, to represent the interests of persons employed in mines and mine owners, respectively;

And whereas Shri V. Rajeswara Rao and T. Prasad have ceased to represent the interests on whose behalf they were nominated and have, in the opinion of the Central Government, ceased to be members of the said committee under rule 6 of the said Rules;

Now, therefore, in pursuance of clause (ii) of sub-rule (1) of rule 3 of the said rules, the Central Government hereby nominates Shri Dasari Veeramallu, Senior Vice man and Branch Vice President, Singareni Collieries Workers' Union, Manugur Collieries, Andhra Pradesh, and Shri A. Ramaswamy, Additional General Manager (Safety), Singareni Collieries Company Ltd., Andhra Pradesh, as members of the said Committee, vice Shri V. Rajeswara Rao and Shri T. Prasad, to represent the interests of persons employed in mines and mine owners, respectively, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 811, dated the 15th March, 1980, namely :—

In the said notification, under the heading "Members",—

(1) against serial number 4, for the existing entry, the following entry shall be substituted, namely :—

"४. Shri A. Ramaswamy,
Additional General Manager (Safety),
Singareni Collieries Company Ltd.
Kothagudem Collieries-707101,
Bhadrachalam Road Station,
South Central Railway.";

(2) against serial number 7, for the existing entry, the following entry shall be substituted, namely :—

"७. Shri Dasari Veeramallu,

Senior Overman and Branch Vice-President,
Singareni Collieries Workers' Union,
P.O. Manugur Collieries,
Boorgampad Taluk,
Khammam District,
Manugur,
Andhra Pradesh-507114."

[F. No. U-23019/1/78-M.I]
J. K. JAIN, Under Secy.

नई दिल्ली, 7 विसम्बर, 1981

का० आ० 3420.—केंद्रीय सरकार ने कर्मचारी राज्य बीम अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ग) के प्रत्युत्तरण में को एन० शी० चावला के स्थान पर श्रीपी० सिन्हा, उप सचिव को कर्मचारी राज्य बीम निगम में सदस्य के रूप में नामनिर्दिष्ट किया है।

अबतः धब्द केंद्रीय सरकार, कर्मचारी राज्य बीम अधिनियम, 1948 (1948 का 34) की धारा 4 के प्रत्युत्तरण में, भारत सरकार के अम मंत्रालय की अधिकृत संघर्ष का० आ० 850 (प्र) विनांक 21 प्रक्षेपण, 1980 में निम्नलिखित संशोधन करती है, प्रथातः—

उक्त अधिकृत संघर्ष में, "(राज्य सरकारों द्वारा धारा 4 के खण्ड (ग) के अधीन नामनिर्दिष्ट)" श्रीपी० के नीचे मद 7 के सामने की प्रविधि के स्थान पर निम्नलिखित प्रविधि रखी जाएगी प्रथातः—

श्री पी० सिन्हा, उप सचिव, भारत सरकार, अम मंत्रालय, नई दिल्ली।

[संघर्ष धू० 16012/3/81-एच०-आई०]
श्री० एन० अय्यर, अधर सचिव

New Delhi, the 7th December, 1981

S.O. 3420.—Whereas the Central Government has, in pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri P. Sinha, Deputy Secretary as a member of the Employees' State Insurance Corporation, in place of Shri N. B. Chawla;

Now, therefore, in pursuance of section 4 of the Employee's State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S. O. 850 (E), dated the 21st October, 1980, namely :—

In the said notification, under the heading "(Nominated by the Central Government under clause (c) of section 4)", for the entry against item 7, the following entry shall be substituted; namely :—

Shri P. Sinha,
Deputy Secretary,
Government of India,
Ministry of Labour,
New Delhi

[No. U-16012/3/81-HI]
V. N. AIYER, Under Secy.

नई दिल्ली, 7 विसम्बर, 1981

का० आ० 3421.—राज्य सरकार ने कर्मचारी राज्य बीम अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (प्र) के प्रत्युत्तरण में को एन० श्री० बासुदेवन के स्थान पर श्री० रामाचन्द्रन आयुक्त तथा सचिव तमिलनाडु सरकार, को कर्मचारी राज्य बीम निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अबतः धब्द केंद्रीय सरकार, कर्मचारी राज्य बीम अधिनियम, 1948 (1948 का 34) की धारा 4 के प्रत्युत्तरण में, भारत सरकार के अम मंत्रालय की अधिकृत संघर्ष का० आ० 850 (प्र) विनांक 21 प्रक्षेपण, 1980 में निम्नलिखित संशोधन करता है, प्रथातः—

उक्त अधिकृत संघर्ष में, "(राज्य सरकारों द्वारा धारा 4 के खण्ड (प्र) के अधीन नामनिर्दिष्ट)" श्रीपी० के नीचे मद, 24 के सामने की प्रविधि के स्थान पर निम्नलिखित प्रविधि रखी जाएगी, प्रथातः—

"श्री सी० रामाचन्द्रन, आयुक्त तथा सचिव, तमिलनाडु सरकार, उद्योग विभाग, मद्रास।

[संघर्ष धू० 16012/13/81-एच०-आई०]
श्री० सिन्हा, उप सचिव

New Delhi, the 7th December, 1981

S.O. 3421.—Whereas the State Government of Tamil Nadu has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri C. Ramachandran, Commissioner and Secretary to the Government of Tamil Nadu, Madras to represent that State on the Employees' State Insurance Corporation in place of Shri T. V. Vasudevan;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S. O. 850(E) dated the 21st October, 1980, namely :—

In the said notification, under the heading "(Nominated by the State Government under clause (d) of section 4)" for the entry against serial number 24, the following entry shall be substituted, namely :—

Shri C. Ramachandran,
Commissioner and Secretary to the
Government of Tamil Nadu,
Industries Department,
Madras."

[No. U-16012/13/80-HI]
P. SINHA, Dy. Secy.

New Delhi, the 7th December, 1981

S.O. 3422.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Murulidih 20/21 Pits Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, Distt Dhanbad and their workmen, which was received by the Central Government on the 2nd December, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 27/79

PRESIDENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Murulidih 20/21 Pits Colliery of M/s. Bharat Coking Coal Ltd., P.O. Mohuda, Dist. Dhanbad.

AND

Their workmen.

APPEARANCES :

For the Employer—Shri B. Joshi, Advocate.

For the Workman—Shri D. Mukherjee, Advocate.

INDUSTRY : Coal

STATE : Bihar

AWARD

Dated, the 27th November, 1981

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10 (1)(d) of the Industrial Disputes Act, 1947 has forwarded the dispute to this Tribunal for adjudication under Order No. L-20012/144/79-D.III(A) dated the 12th December, 1979.

SCHEDULE

"Whether the action of the management of Murulidih 20/21 Pits Colliery of M/s. Bharat Coking Coal Ltd., P.O. Mohuda, Dist. Dhanbad in terminating the services of Shri Jalaluddin Mia, Loader with effect from the 20th February, 1979 is justified ? If not, to what relief is the said workman entitled ?"

2. According to the workman he was appointed against a permanent vacancy of an underground loader on 2-12-78 and was kept on a probation for three months. It is stated that one Smt. Bara Karuna Ghatawarin was in employment of the management and she had adopted the concerned workman Jalaluddin Mia in the year 1968 and since then he was living under her guardianship. The said Ghatawarin has one son and three daughters but all the daughters were married before 1965 and the only son was married in the year 1968 and after the marriage the son deserted his parents and started living with his wife and father-in-law. In the year 1969 the husband of late Smt. Ghatawarin fell seriously ill and there was none to look after him and as the concerned workman was staying at the adjacent to the house of late Ghatawarin he was brought up by late Ghatawarin. It is further stated that the concerned workman rendered marvelous service to late Rasik Rai husband of the lady and that in the year 1969 he was adopted by the said lady and her husband. The further case of the concerned workman is that he was appointed under the Voluntary Retirement Scheme which had been introduced by the management and as he was the adopted son of Smt. Ghatawarin he was appointed at her request as she had taken voluntary retirement and further he was appointed in her place.

3. It is, however, submitted that he is an active member of the Colliery Mazdoor Sabha of India and so the local management was very much biased and prejudiced against him and hence his service was terminated with effect from 20-2-79 even before the completion of probationary period. The said action of the management has been attacked as highly illegal, arbitrary, unjustified and against the principles of natural justice and it is stated that he was stopped from service without any notice or show cause. The workman approached the management but to no effect and thereafter the present industrial dispute was raised. It is prayed that he should be reinstated with full back wages.

4. According to the management the real fact is that with a view to induct fresh blood in the Industry, a voluntary retirement scheme was introduced by the management originally for the period from 10-2-78 to 30-4-78 which was subsequently extended. The essential feature of the scheme was that in case a woman employee wanted to retire voluntarily she must be less than 57 years of age and a permanent employee. In that case her son, son-in-law or husband will be considered for employment on condition that the age of such son, son-in-law or husband must not exceed 35 years, must be medically fit and must agree to work as underground piece-rated loader. It is stated that one Smt. Bara Karuna Ghatawarin casual wagon loader was found to have been absenting from 24-12-77 upto 18-8-78 without any information or permission of the management. She was issued with chargesheet to which she pleaded sickness but it was not found satisfactory and hence a domestic enquiry was held against her. She was found guilty and it was decided to dismiss her from service. But before the actual dismissal order could be issued an application was received from her under the aforesaid scheme in which it was disclosed that the concerned workman was her adopted son and an affidavit purported to have been sworn by her was also filed. A declaration from the concerned workman claiming to be the adopted son of the said lady was also filed. Thereafter the concerned Clerk of the management surreptitiously not only managed to get the resignation of the said lady accepted but also got the letter of appointment of Jalaluddin Mia signed by the General Manager on 30-11-78 without putting it up to any official of the Personnel Department. On that basis Jalaluddin Mia, the concerned workman was appointed on probation for three months. It is alleged that the sponsoring union was thickly involved in this dirty deal. On the strength of the aforesaid appointment the concerned workman went for necessary training and came by in the beginning of February'79. Subsequently on scrutiny of papers it was found that the so called adoption was not only illegal but also totally invalid and the appointment had been made as a result of fraud. It is submitted that Smt. Ghatawarin was a Hindu whereas the concerned workman is a Muslim and under Hindu Law a Hindu cannot adopt a Muslim which is totally prohibited. Further the lady has a son who is an

employee of the colliery besides she has three daughters who are wagon loaders under the management and she has also got grand-daughters who are also under the employment of the management. It is submitted that the lady being a widow and having a son could not make any adoption and further the concerned workman still continues to be the son of his natural father chirag Mia. It is also submitted that there is no provision under the Hindu Law for adopting a son by an affidavit nor any date, time and place of adoption was disclosed.

5. It is further stated that the aforesaid appointment was made fraudulently and when this fraud was detected the service of Jalaluddin Mia was terminated.

6. On the above grounds it is submitted that the Reference be decided in favour of the management.

7. The point for consideration is as to whether the action of the management in terminating the service of the concerned workman Jalaluddin Mia with effect from 20-2-79 is justified. If not, to what relief he is entitled.

8. It is admitted that Voluntary Retirement Scheme was in force and the appointment of the concerned workman was made under that very scheme. The details about the scheme has been stated by MW-1 Sri B. M. Lal, Personnel Manager. Ext. M-3 is the notice issued by the management regarding this scheme and as to how a female employee could apply for appointment of her son, son-in-law and husband in case she voluntarily retires from her service. Exts. M-1 and M-2 are the chargesheets and notice of enquiry issued against Smt. Ghatawarin Exts. M-8 and M-9 have been filed to show the procedure as to how appointments were to be made under this scheme, but this is not very relevant.

9. It is, however, admitted that a female below a certain age could offer her son, husband and son-in-law for service in case she retires voluntarily. The concerned workman claims to have been appointed on the ground that he was the adopted son of Smt. Ghatawarin.

10. The main question, therefore, to be seen is as to whether the concerned workman was a legally adopted son of Smt. Ghatawarin and whether he was eligible for being appointed in her place. No date or month of adoption has been given by the concerned workman. There is no adoption deed. The solitary evidence on this point is the oral evidence of the concerned workman as also the affidavit dated 21-11-78 (Ext. M-4) sworn by Smt. Ghatawarin. In this affidavit it is simply stated that she had adopted Jalaluddin Mia as her son and he is residing with her since long under her guardianship and that this affidavit was being sworn by her for the purpose of employment of her son Jalaluddin Mia. The affidavit nowhere shows when Jalaluddin Mia was adopted by her and by her husband. If the adoption would have been made by her and her husband then this fact must have been mentioned in the affidavit itself. Further the husband of the lady is admittedly dead though the date of death has not been proved. In his evidence the concerned workman has stated that there were several persons present at the time of adoption but none of them has been examined. Thus the evidence on the point of adoption is virtually nil. It is also admitted that Smt. Ghatawarin has an natural son and three daughters besides grandsons and grand-daughters. She was admittedly a Hindu while Jalaluddin Mia, the concerned workman is a Muslim. The concerned workman has himself admitted in para 10 of his cross-examination that he is still a Muslim. No doubt further below he has stated that he is a Communist and so he has no cast or religion but the fact remains that he is a Muslim while the lady was a Hindu. The Hindu Adoption and Maintenance Act, 1956 clearly bars the adoption of a Muslim by a Hindu. It also provides that a Hindu having a natural son or daughter cannot make any adoption. In that view of the matter even if it be conceded for the sake of argument that the concerned workman was adopted by the lady, the said adoption is illegal and void and he can never be taken as an adopted son of the lady and as he is not a legally adopted son he should not have been taken in employment by the management under the aforesaid scheme. In that view of the matter the moment the fraud was detected the management terminated his service which is quite legal and in accordance with law.

11. Ext. M-7 is a letter dated 13-2-79 addressed to the Manager, Murulidih Colliery by the Personnel Officer of the

management regarding the appointment of the concerned workman. The Manager was further informed that after scrutiny of the connected papers some irregularities had been detected and as such he requested the Manager to stop Jalaluddin Mia immediately. The said action was approved by the Manager and the General Manager as would appear from this very document. Ext. M-10 is the note sheet dated 3-2-79 by the Personnel Manager in which he reported that Jalaluddin Mia has been appointed on probation for three months as adopted son of Smt. Ghatawarin but as she was a Hindu and she has a son and daughters and grand-daughters who are working in the colliery, the said adoption is invalid and Jalaluddin Mia had managed to enter into the service through back door method and hence approval may kindly be given for stopping him from his duty. This was approved by the General Manager, Sri Talwar whose endorsement appears on this very document and thus the concerned workman was removed from his service under approval of the General Manager.

12. It was however urged on behalf of the concerned workman that the appointment letter Ext. WW-1 was issued by the General Manager who was the Appointing Authority and therefore he should have been dismissed by the General Manager and not by any other officer. It is not disputed that the Appointing Authority is the Dismissing Authority and in this case also the order of removal was passed by Sri Talwar, General Manager who was the Appointing Authority and so there is no illegality in the order of removal.

13. It was next urged on behalf of the concerned workman that as he was on a probation he should not have been removed without any valid notice. But the question of notice would have arisen only if the initial appointment would have been valid. Here in this case the appointment itself was invalid and illegal as it had been obtained by fraud and hence in that case, in my opinion, no notice was necessary at all and the management was justified in terminating the service of the concerned workman when it was detected that the alleged adoption was illegal and not in accordance with law and the concerned workman had obtained his employment by fraud through back door method.

14. Considering the evidence on record I hold that the management was justified in terminating the service of the concerned workman Sri Jalaluddin Mia with effect from 20-2-79 and the concerned workman is not entitled to any relief.

15. I give my award accordingly.

Sd/-
J. N. SINGH, Presiding Officer
[No. L-20012/144/79-D.III.A]

S.O. 3423.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employer, in relation to the management of West Bokaro Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Ghatotkand, District Hazaribagh, and their workmen, which was received by the Central Government on the 2nd December, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 23/79

PRESENT : Shri J. N. Singh, Presiding Officer.

PARTIES : Employers in relation to the management of West Bokaro Colliery of M/s. Tata Iron & Steel Co. Ltd., P. O. Ghatotkand, Dist. Dhanbad.

AND

Their workman.

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.
For the Workman—None.

INDUSTRY : Coal.

STATE : Bihar

AWARD

Dated, the 25th November, 1981.

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10 (1) (d) of the Industrial Disputes Act, 14 of 1947 has forwarded the dispute to this Tribunal for adjudication under Order No. L-20012/197/79-D. III(A) dated the 23rd November, 1979.

SCHEDULE

"Whether the action of the management of West Bokaro Colliery of M/s. Tata Iron & Steel Co. Ltd., P.O. Ghatotkand, Dist. Dhanbad in imposing the punishment of five days suspension on Shri Md. Isa, Power House Fitter is justified ? If not, to what relief is the said workman entitled ?"

2. The case of the concerned workman Md. Isa is that he is a permanent employee of West Bokaro Colliery and is working as a Fitter. He was issued a chargesheet for alleged misconduct of leaving the work without permission for which he gave reply of charges levelled against him. The management held a departmental enquiry into the charges but it was in utter violation of principles of natural justice as the concerned workman was not given opportunity to defend himself and the report of the Enquiry was not based on any evidence. It is submitted that the concerned workman has been victimised due to his trade union activities and the punishment is also illegal and void. He has therefore prayed that he should be exonerated of the charges and be ordered to be paid full wages for the period of suspension.

3. The main defence of the management however is that on 5-12-78 Md. Isa the concerned workman was in first shift duty from 7.30 a.m. to 3.30 pm and he was engaged for commissioning of Boiler No. 1 which was an urgent job. At about 9.20 a.m. he stopped the work and approached the Superintendent, Power House for leaving his duty. The Superintendent in view of the important and urgent job advised Md. Isa to obtain permission from the Asstt. Chief Engineer who was the competent authority. Sri Isa left his work at about 9.30 a.m. without approaching the Asstt. Chief Engineer and obtaining necessary permission. This act of his amounted to misconduct and insubordination and hence a chargesheet dated 15-1-79 was issued against him to which he submitted a reply which was found not satisfactory and accordingly a departmental enquiry was held against him. Sri Isa was given full opportunity during enquiry stage and he also cross examined the management witnesses and also examined his own witnesses and himself and was present throughout the enquiry. It is submitted that the enquiry was held after observing all principles of natural justice. During enquiry the charges were proved and as a measure of punishment Md. Isa was suspended for a period of five days from 10-4-79 to 14-4-79. It is further submitted that the charge for disobedience and leaving the duty without permission is a misconduct under Clause 27 (1) and (18) of the Standing Order which was clearly proved against him. It is also submitted that there was no case of victimisation for any trade union activity.

4. The point to be considered is as to whether the action of the management in imposing the punishment of five days suspension on the concerned workman is justified. If not, to what relief he is entitled.

5. It may be mentioned that after filing of the written statement the concerned workman did not appear nor his representative appeared to contest the case. The preliminary issue as to whether the enquiry was just and proper was heard by me first and by order dated 15-10-1981 it was found that the enquiry was fair and proper. The case was then heard on merits.

6. Ext. M-1 is the chargesheet issued against the concerned workman to which he gave reply (Ext. M-2). Notice of enquiry was issued against him which is marked Ext. M-3. In the notice of enquiry itself it is mentioned that the enquiry would be held by Sri Rajamoni Prasad, Welfare Officer. The enquiry proceeding has been marked Ext. M-4 while Ext. M-5 is the report. Ext. M-6 is the letter of suspension

inflicting punishment of suspension on him. The management has examined the Enquiry Officer as MW-1 while MW-2 has proved the service record of the concerned workman which is marked Ext. M-7. From the enquiry proceeding it will appear that the management examined as many as three witnesses viz. Sri A. N. Mitra, Asstt. Chief Engineer, Sri T. K. Lahiri, Power House Superintendent and Sri M C. Pattanaik, Equipment Engineer. From their evidence it will appear that the concerned workman had been deputed to do an important job of commissioning Boiler No. 1. He came to his duty at 7.30 a.m. but at 9.30 a.m. he sought permission from Shri Lahiri on the ground that he had some work and was to take oath as a Panch. Shri Lahiri expressed his inability as the work was urgent and directed him to approach the Asstt. Chief Engineer Sri Mitra. It is proved from the evidence of these witnesses that the concerned workman did not approach the Asstt. Chief Engineer and left his work without permission. All these witnesses were duly cross-examined by Sri Isa himself. Sri Isa also gave his statement and examined three witnesses. It will also appear that during enquiry stage Shri Isa had filed a notice purported to have been issued to him by the Sarpanch informing him to attend Mandu Prakhand Karyalaya at 9 a.m. on 5-12-78 for taking oath as a Panch. This notice is undated but from the evidence of Sri Isa himself it will appear that he had received this notice two or three days earlier. Now if this fact was true then he ought to have prayed for leave or permission prior to his joining duty on 5-12-78. It appears from his own evidence that all of a sudden at about 9.30 a.m. he sought permission from the Power House Superintendent. But naturally as the work was urgent, permission was not granted to him nor the Power House Supdt. had any authority to do so. In that view of the matter the concerned workman ought to have approached the Asstt. Chief Engineer.

7. In the show cause as also in evidence the concerned workman has tried to say that while he was leaving the office he met her daughter who informed him that her mother had become unconscious all of a sudden and so he left the place immediately. He has further stated that when he went home he found his wife in normal condition. According to him he could not meet the Asstt. Chief Engineer due to the news of sudden illness of his wife but this appears to be clearly an after thought. It also appears from the evidence that he went to the Block Office on that very date.

8. From the evidence recorded during the enquiry as also admission of the concerned workman it is proved that Md. Isa stopped his work and left duty without obtaining permission of his superior. Further according to the notice he was to attend the Block Office at 9 a.m. but he approached for leave at about the same time. Inspite of the instruction of the Power House Superintendent he left his duty. The action of the concerned workman is thus clearly a case of misconduct and insubordination and from the evidence on record the charges are well proved against him.

9. There is nothing on the record to show that the management was prejudiced in any way against the concerned workman or that there was denial of natural justice, rather the service record of Md. Isa Ext. M-7 would show that earlier also he had been suspended for one day for leaving duty without permission and so his record of service cannot be said to be satisfactory. The punishment inflicted on the concerned workman is also not very severe as it was suspended for a few days and this punishment can in no way be said to be disproportionate.

10. Considering the evidence on record, I hold that the action of the management in inflicting punishment of five days' suspension against the concerned workman is fully justified and he is not entitled to any relief.

11. The award is given accordingly.

Sd/-

J. N. SINGH, Presiding Officer
[No. L-20012/197/79-D.III.A]

S.O. 3424.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the Industrial Dispute between the employers in relation to the Management of Noonidih Jitpur Colliery of M/s. Indian Iron and Steel Co. Ltd., Post Office Bhaga, Distt. Dhanbad and their

workmen, which was received by the Central Government on the 27th November, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT :

Shri J. P. Singh, Presiding Officer

Reference No. 28 of 1980

In the matter of an Industrial Dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Noonidih-Jitpur Colliery of Messrs Indian Iron & Steel Company Limited, Post Office Bhaga, District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri B. Jal, Advocate.

STATE : Bihar

INDUSTRY : Coal.

AWARD

Dhanbad, 23rd November, 1981

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012(123)/80.D.III.A dated 7th October, 1980 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the following demands of the workmen of Noonidih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad are justified :—

- (1) Shri R. K. Singh, overman should be paid full wages for the period of his forced idleness from 29th November, 1975 to 9th May, 1976 along with other fringe benefits,
- (2) His continuity of service should be maintained, and
- (3) He should be given due increment with effect from January, 1976.

If so, to what relief is the said workman entitled ?"

2. The case of the concerned workman, Shri R. K. Singh is that he was dismissed from service by the management on 28-11-75. He approached to the management against his dismissal and the management allowed his appeal and he joined his duties w.e.f. 10-5-76 in his original position. The workman asked for payment of his all dues for the period of his enforced idleness since the order to place him in his original position. According to him the management gave him verbal assurance but no payment was made to him. The concerned workman was also informed that the management was trying to give him continuity of service only for the specific purpose of payment of his gratuity. He was also not allowed annual increment with effect from January, 1976.

3. An industrial dispute was raised resulting in this reference.

4. The case of the management is that the reference is not maintainable because Shri R. K. Singh is an overman getting more than Rs. 500 per month and as such he was not a workman within the meaning of I.D. Act, 1947. It has also been stated that Shri R. K. Singh has ceased to be a member of the sponsored union. According to the management Shri R. K. Singh was duly charge-sheeted and a domestic enquiry was held before his dismissal. He was dismissed from company's service vide letter No NJICharge/63A, dated 29-11-75. The management's contention is that after his dismissal Shri R. K. Singh led a group of workmen and assaulted the Manager, Shri O. P. Garg with sticks, lathi etc. on 30-11-75 at 5 A.M. Accordingly a case was lodged with Jorapukur Police Station in which Shri R. K. Singh and others were made accused. The management's case is that

Shri R. K. Singh represented to the management feeling repentant about the incident which happened with Shri O. P. Garg on 30-11-75 and assured the management of good conduct on his part in future. The appeal was sympathetically considered by the management and Shri Singh was taken back in service as new appointee through letter dated 10-5-76. It was stated in that letter that Shri Singh would not be paid any wages/salary for the entire period of his absence. The workman had accepted the letter as new appointee without any protest at any time till this dispute was raised.

5. So far as item 2 of this Schedule is concerned, the management has accepted that the concerned workman is entitled to continuity of service and that he should be given due increment w.e.f. January, 1976. We have therefore to consider whether Shri R. K. Singh should be paid wages for the period of his forced idleness from 29-11-75 to 9-5-76 along with other benefits.

6. I will first take up this question as to whether this reference is maintainable. In this case no oral evidence has been adduced from either side. Shri R. K. Singh is no doubt an overman. But the law is settled that an overman may be supervisory staff as well as a workman which depends upon the nature of work which he does. The distinction made is that if an overman has to work with his own hand also will be a workman. The question of maintainability has been raised by the management and it was for the management to show the exact duty of Shri R. K. Singh. This has not been done either by oral or documentary evidence. It will be therefore clear that there is no reason to hold that Shri R. K. Singh is a purely supervisory staff.

7. With regard to the question as to whether the concerned workman is duly represented by the sponsoring union i.e. Rastriya Colliery Mazdoor Sangh. The management has filed a photostat copy of the letter of Rastriya Colliery Mazdoor Sangh dated 15-4-80 which shows that Shri R. K. Singh overman of Itour colliery has been debarred from the primary membership of that union and suspended for 5 years. This reference is of a later date i.e. 7-10-80. The written statement of the concerned workman is dated 12-3-81 and it has been verified by Shri R. N. Sharma, General Secretary, Rastriya Colliery Mazdoor Sangh. This shows that Rastriya Colliery Mazdoor Sangh is still representing the concerned workman. So on both the points raised by the management I do not find adequate reason to hold that the reference is not maintainable.

8. The management has filed 4 documents. Ext. M1 is the photostat copy of the letter written by Shri R. N. Sharma to Shri S. K. Pandey and Shri R. K. Singh (the concerned workman). I have dealt with this letter on the question as to whether the concerned workman is represented by Rastriya Colliery Mazdoor Sangh. Ext. M2 is a minutes of union-management meeting held on 10-8-79 at 4 P.M. Item 2 of the discussion was on payment of wages to Shri R. K. Singh for the dismissal period. It was agreed that Shri R. K. Singh along with others will be served with letters giving continuity of their service as decided by the agreement earlier. It was also decided that no wage will be paid for the period they were not in employment. Ext. M3 is a photostat copy of letter of Area Manager dated 10-5-76 which is in respect of Shri R. K. Singh and six others. It refers to appeal dated 28-4-76 feeling repentant for the incident which happened with Shri O. P. Garg, the manager on 30-11-75. The management agreed to take them back in service as new appointees. It was ordered that they would not be paid wages/salary for the entire period of discharge. We are not concerned with Ext. M4 in this case.

9. On behalf of the workmen only one document has been filed and it has been marked Ext. W.1 I would better like to reproduce this letter for fuller appreciation :

"INDIAN IRON AND STEEL COMPANY LTD. P. O.
BHAGA.

Manager 16/16A seams

Dated 10th May, 1976.

Manager 16/16A seams.

The following persons have been allowed to join their respective duties in their original position from today, the 10th May, 1976 :

- (1) Shri R. K. Singh—Overman
- (2) Shri Joginder Singh—Typist
- (3) Shri Joyram Choudhury—Tyndal
- (4) Shri Balnath Pandey—Winding engine Driver trainee

- (5) Shri Surendra Prasad Singh—U/G Worker
- (6) Shri Rajaram Khatik—Tyndal
- (7) Shri Mahadeo Singh—Mining Sirdar.

Sd/-
Area Manager"

It will appear that Ext. W.1 and Ext. M.3 and the two relevant documents to be considered in this case. It will further appear that in Ext. W.1 also there are 7 workmen including Shri R. K. Singh. This letter is addressed to the manager, 14 Seam and manager 16 and 16A seam. It is dated 10-5-76 and similarly Ext. M3 is also dated 10-5-76. Ext. M3 and Ext. W.1 have both been signed by Shri Puri, the Area Manager, and these are admitted documents. While Ext. M3 has been addressed to the 7 workers including the concerned workman, Shri R. K. Singh, Ext. W.1 is a letter addressed to the managers 14, 16 and 16A seam. Apparently Ext. W.1 is an office order under which these 7 workmen were allowed to join their respective duties in their original position w.e.f. 10-5-76. Ext. M3 shows that they were taken back in service as new appointees, and they were not entitled to any wage/salary for the entire period of discharge.

10. It has been contended before me on behalf of the concerned workman that Ext. W.1 is a most authentic office order on the basis of which he joined his duties w.e.f. 10-5-76. In this case the history shows that Shri R. K. Singh has been dismissed for putting his attendance wrongfully. On the day following his dismissal there was an assault on the manager, Shri Garg in which Shri R. K. Singh along with six others had participated. The concerned workman has alleged in the written statement that he preferred an appeal and he was exonerated and put back to his original post. The six others had also to face charge-sheet and in that proceeding Shri R. K. Singh was not there. On behalf of the concerned workman it has been contended that there is a good deal of confusion on account of the two proceedings. According to him Ext. M3 is a concocted document brought into existence subsequently. According to him his appeal was allowed and similarly six others who had also preferred appeal were exonerated, and Ext. W.1 is the document showing the exact position of their service. What is intended to be conveyed is that all the 7 persons were put back to their original position which can only go to show that they were reinstated w.e.f. the date of their dismissal. It has been contended on behalf of the management that Ext. M3 bears the signatures of six persons out of seven including Shri R.K. Singh, Shri R.K. Singh also put the date 10-5-76 under his signature. Now, if the management really wanted to establish that Ext. M3 bears the signature of Shri R. K. Singh dated 10-5-76 the original should have been brought and proved. The position no doubt is that this contention cannot be accepted without adequate proof. Shri B. Lal, Advocate appearing on behalf of Shri R. K. Singh has contended that so far as the service condition of Shri R. K. Singh is concerned, Ext. W. 1 is a most authentic document which shows that he was allowed to join his duties in his original position which can only go to show that he was reinstated in his original job w.e.f. 29-11-75. It is true that on the basis of the evidence on record, I have to accept this contention of Shri Lal. It is clear that if the service of Shri R. K. Singh is restored in his original position, it will mean that he was reinstated w.e.f. the date of his dismissal.

11. It has been contended that there has been an agreement arrived at between the management and the union of workmen under which payment of wages for idle period was disallowed. On this account it has been contended that since it was in the nature of a settlement the concerned workman was bound by the action of his union. It may be mentioned that this happened before this dispute was raised by the same union. It will appear that the concerned workman never accepted such an agreement between the union and the management. What has been placed before me is merely a minutes of discussion in a joint discussion. I do not think that this could be said to be a settlement so as to bind the concerned workman.

12. Thus having considered all aspects of the case, I have to hold that the following demands of the workman of Noonidih-Jitpur colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad are justified :

(1) Shri R. K. Singh, overman should be paid full wages for the period of his forced idleness from 29th November, 1975 to 9th May, 1976 along with other fringe benefits;

(2) Shri R. K. Singh's continuity of service should be maintained; and

(3) He should be given due increment with effect from January, 1976.

This is my award

J. P. SINGH, Presiding Officer,
[No. L-20012/123/80-D-IIIA]

S.O. 3425.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of Jgidih Colliery of Messrs Bharat Coking Coal Limited, Post Office Tundoo, District Dhanbad and their workmen, which was received by the Central Government on the 2nd December, 1981.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 12/80

PRESENT :

Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Jgidih Colliery of M/s. Bharat Coking Coal Ltd. P.O. Tundoo, Dist. Dhanbad ;

AND

Their workmen

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri S. Bose, Secretary, R.C.M.S.

INDUSTRY : Coal

STATE : Bihar

AWARD

Dated, the 26th November, 1981

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 (14 of 1947), has forwarded the dispute to this Tribunal for adjudication under order No. L-20012/171/79-D. III(A) dated the 2nd February, 1980.

SCHEDULE

"Whether the demand of the workmen of Jgidih Colliery of M/s. Bharat Coking Coal Ltd. P.O. Tundoo, Dist. Dhanbad that Shri R. C. Sharma Surface In-charge should be placed in Clerical Grade-I is justified ? If so, to what relief is the workman entitled ?"

2. Both the parties filed their respective written statements and the case was fixed for hearing. On 3-11-81 the management filed a petition stating that the concerned workman Shri R. C. Sharma died on account of T.B. and so no Industrial Dispute now exists between the management and workman and so a 'no dispute' award be passed in this case. In support the management has filed the death certificate of the hospital as also the Bed Head Ticket of the concerned workman which shows that the concerned workman expired on 30-11-80 at 8.30 p.m.

3. On 25-11-81 an affidavit has been filed by the widow of the concerned workman stating that her husband died on 30-11-80 and she intends to give her son-in-law one Bachha Singh in service of the management in the place of her husband.

4. The learned Advocate for the concerned workman admits the death of the deceased. It is also stated by the Advocate for the management that the question of employment of the son-in-law of the deceased is under process of the management and the case of his appointment will be considered by them.

5. As the concerned workman has expired, no industrial dispute exists and therefore, in the circumstances a 'no dispute' award is passed in this case.

J. N. SINGH, Presiding Officer
[No. L-20012/171/79-D. III.A]

New Delhi, the 8th December, 1981

S.O. 3426.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad in the industrial dispute between the employers in relation to the management of Messrs Continental Construction (Private) Limited, Contractors in Chasnala Colliery of Messrs Indian Iron and Steel Company Limited, P.O. Chasnala, District Dhanbad and their workmen, which was received by the Central Government on the 28th November, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 16 of 1980

PARTIES:

Employers in relation to the management of Messrs Continental Construction Private Limited, Contractors in Chasnala Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnala, District Dhanbad.

AND

Their Workmen.

PRESENT :

Mr. Justice B. K. Ray (Retd.) Presiding Officer

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri Anand Mohan Prasad, President, Coalfields Labour Union, Chasnala.

STATE : Bihar

INDUSTRY : Coal.

AWARD

Dhanbad, dated, the 23rd November, 1981

By Order No. L-20012(130)/80-D.IIA, dated, the 9th September, 1980, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of M/s. Continental Construction Private Limited, Contractors in Chasnala Colliery of M/s. Indian Iron and Steel Company Limited, Post Office Chasnala, District Dhanbad and their workmen in respect of the matter specified in the schedule attached to the order referred the same for adjudication to this Tribunal. The schedule to the order reads thus.

"Whether the action of the management of Messrs Continental Construction Private Limited, Contractors in Chasnala Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnala, District Dhanbad in dismissing Shri Dayanath Singh, Supervisor from service with effect from the 4th July, 1979, is justified ? If not, to what relief is the said workman entitled ?"

2 After notice to the parties they have filed their respective written statements and rejoinders.

3. The case of the union as made out in the pleading is as follows. Sri Dayanath Singh, the concerned workman was the President of Coalfield Labour Union which consisted of the workers working under M/s. Continental Construction (P) Ltd., hereafter called Company. The fact that the concerned workman was the President of the union was informed to all concerned including the company. The union served a Charter of demand on the management on 4-7-79. Thereafter the company having found that the concerned workman was taking active part in trade union activities wanted to victimise him by transferring him from Chasnalla where he was working to Bombay. The union thereafter appealed to the company saying that the concerned workman being the President of the union was a protected workman and so should not be transferred. This appeal was of no effect and on 16-7-79 an order of transfer was served on the concerned workman by the company transferring him from Chasnalla to Bombay. When the order of transfer was issued by the company the concerned workman was ill and so even though he applied for leave the same was not granted. Under a set of rules alleged to be the Standing Orders of the company the management dismissed the concerned workmen with effect from 31-7-79 on a plea that as he did not obey the order of transfer his services were liable to be terminated according to rules. The said rules were not known to the workman. The concerned workman although was designated as supervisor was really a munshi or a clerk and as such he was a workman as per definition contained in I.D. Act. As the company's work at Chasnalla was to come to an end on 31-3-80 the management during illness of the concerned workman victimised him for his trade union activities by passing a malafide order of transfer. No charge sheet having been served upon the workman before he was dismissed for disobedience of the order of transfer no domestic enquiry having been held regarding the allegation of disobedience of transfer order, the impugned order terminating the services of the concerned workman is liable to be vacated and the concerned workman is entitled to reinstatement with back wages till 31-3-80 together with retrenchment compensation as provided in law.

The case of the company is as follows. The company is engaged in the business of letting out heavy earth moving machineries owned by them to different parties with their crews. The job performed by the crews can never be said to be a job relating to a mine nor the persons engaged to perform the job can be said to be persons working in a mine. Therefore the Tribunal has no jurisdiction to entertain the reference. The concerned workman not being a workman within the meaning of Sec. 2(s) of I.D. Act the reference is incompetent. In the reference itself the workman has been described as supervisor which clearly goes to show that he is not competent to raise any dispute. The sponsoring union has no existence in the Establishment of the employer and therefore has no right to raise the dispute. Shortly after the Chasnalla disaster underground mines of the colliery were lost. The said colliery is a captive mine of M/s. Indian Iron and Steel Co. Ltd with the closure of the shaft mine after the disaster there was shortage of metallurgical coal in the Burnpur steel plant belonging to M/s. Indian Iron and Steel Co. Ltd. and so Indian Iron and Steel Co. Ltd. was forced to develop its quarries. To augment coal production at Chasnalla it was necessary to have earth moving machineries which could not be readily procured by M/s. Indian Iron and Steel Co. Ltd. Therefore M/s. I.I.S. Co. Ltd. invited the company to lend its heavy earth moving machineries with their crews to be used at Chasnalla. The invitation having been accepted there was a contract between M/s. IISCO and the company embodying certain terms and conditions. The contract was to continue upto 31-3-80 and as a matter of fact the same been terminated. The company has similar contract works in other part of the country as well as in the Middle-east. The company has a number of skilled employees who are governed by the service conditions known as Standing Rules and Regulations of the company which have been adopted by the Board of Directors of the company. After entering into contract with M/s. IISCO the Company at Chasnalla recruited unskilled and semi-skilled labourers locally for the duration of the contract. The concerned workman was one of such persons and was recruited as a supervisor. He was in receipt of wages of more than Rs. 500 per month and his duties was purely of supervisory character. His duty was to ensure that the workers report for their job in time, to allot duties to dumper operators/mechanics, to look after the maintenance and repair of machines in case these were

found to be defective by reporting to the engineer-in-charge, to submit report about the workings and to recommend leave for workers. He was answerable to the management only for the shift in which he was on duty and was known as shift-in-charge. When the company came to know that its contract with M/s. IISCO was to be terminated on 31-3-80 the company started rationalising their manpower by transferring them as and when required. By 14-7-77 the head office transferred the concerned workman from Chasnalla unit to Bombay unit with effect from 16-7-79. Sri Singh was therefore directed to take clearance from all concerned by 16-7-79 afternoon and report at Bombay unit before the expiry of his joining time. The workman refused to accept the order after learning its contents. Under Standing Rules of the company such a refusal was misconduct and as such it was pointed out to the workman that his action of not receiving the transfer order was a serious misconduct. So the workman was advised to report before the resident engineer at Chasnalla by 23-7-79. It was specifically mentioned to the workman that in case he would not act as per the direction disciplinary action would be taken against him. The concerned workman ignored this also although a copy of the company's order had been sent by Regd. Post to him and another copy had been posted in the Notice Board. As the concerned workman did not obey the order of transfer the company on 31-7-79 in terms of the clause 21(b) of the company's rules terminated the services of the concerned workman with effect from 14-7-79. In these circumstances the action of the management even assuming that the reference is maintainable is fully justified. With effect from 31-3-1980 the organisation at Chasnalla has been disbanded and all the workmen have been retrenched except some employees who have been transferred to other places.

3. At the time of hearing Company has examined one of its own officers and has proved as many as nine documents whereas on behalf of the union the concerned workman has only been examined and one document has been proved.

4. At the time of argument representative of the union submitted that the action of the management in transferring the concerned workman is an act of victimisation inasmuch as on service of a Charter of demand by the union on the management the latter has passed the order of transfer on 14-7-79. In support of this contention reliance is placed on Ext. W-1 a letter of the union addressed to the company dated 30-7-79. Admittedly the order of transfer was first of all passed transferring the concerned workman on 14-7-79. The order of transfer is Ext. M-3 dated 14-7-79. This order shows that company as per its head office's order dated 9-7-79 passed the order of transfer on 14-7-79. Such being the case it is very difficult to accept the case of the union that the order of transfer passed by the company which was subsequently followed by the impugned order of termination of the workman's services was an act of victimisation against the concerned workman. It is admitted by the parties that under a contract between M/s. IISCO and the present management the latter was doing some work at Chasnalla colliery with their heavy earth moving machineries and their crews. It is also admitted that the contract between the company and M/s. IISCO was to expire on 31-3-80. That being so the Company's stand that with full knowledge of the fact that it had to wind up its organisation at Chasnalla by 31-3-80 it was taking steps to transfer its employees to several places where it had work and to retrench others who were locally recruited at Chasnalla appears to be true. The concerned workmen was not a local recruit as pleaded by the company in its written statement but was an employee under the management at Visakhapatnam from where he was transferred to Chasnalla. This fact is admitted in oral evidence of the company's officer as well as in the oral evidence of the workman himself. That being so it was necessary for the company to transfer the concerned workman from Chasnalla where it was going to close its establishment to Bombay where it had some work. The stand of the company is that on account of this necessity the company as per direction of the head office at Bombay passed the order of transfer on 14-7-79 transferring the workman. After carefully scrutinising the evidence and after hearing representative of the union as well as Mr. T.P. Choudhury learned counsel for the management I am of the view that the case of the union that the order of transfer is an act of victimisation of the company to punish the concerned workman for his trade union activities cannot be accepted. So I hold that the order of transfer is a bona fide order passed by the management in course of its normal business.

5. Under the Company's rules Ext. M-2 there is provision that where an employee refuses to obey an order of transfer his services have to be terminated. It is contended by Mr. T. P. Choudhury that the standing rules of the company being the terms and conditions of contract between the company and its employees the rule empowering the company to terminate the service of its employee in case he disobeys an order of transfer is binding on the employees and it is not open to an employee to say that disobedience of an order of transfer being a misconduct the case has to be established in an enquiry before terminating an employee's services for such a misconduct. It is not necessary to decide the point raised by Mr. T.P. Choudhury as the reference can be disposed of on another point dealt in the subsequent paragraph.

6. It is pleaded by the company in its written statement that the concerned workman is not a workman as defined under Section 2(s) of I. D. Act and so he cannot raise a dispute for termination of his service much less an industrial dispute which can be the subject matter of a reference under Sec. 10 of I.D. Act. This assertion of the company has no doubt been denied by the union in its pleading. According to union the concerned workman was only doing the work of munshi/clerk and that he had been wrongly designated by the company as supervisor. Even though the plea has been taken by the union that the concerned workman was actually working as a munshi/clerk the workman himself who is the only witness for the union does not breath a word about this. In the reference itself the concerned workman has been described as supervisor. The officer for the company who was examined for the company in course of hearing has asserted that the concerned workman was appointed as a supervisor at Visakhapatnam and was subsequently transferred to Chasnala where the management took up the contract work. According to this witness Daya Nath Singh was drawing to the time of Rs. 700 per month as his wages and his duties were to maintain records of the workers and to mark their attendance, to report about any breakdown in a machine to the management, to submit progress report to the management during his shift to forward leave applications and other applications of the workers to the Resident Engineer with his recommendations and to allot duties to the workmen in his shift. This evidence of the officer of the company is corroborated by documentary evidence Ext. M-1 series which are daily shift reports in which the concerned workman has signed as Shift Incharge. Ext. M-7 is the attendance register of the company. In this register there is a separate page allotted for the supervisory staff of the company. The name of the concerned workman appears in that page showing that he was one of the supervisory staff. The workman himself admits in his evidence in cross-examination that he was drawing more than Rs. 500 as wages. As per the definition of a workman given in Sec. 2(s) of I.D. Act a workman does not mean any person who being employed in supervisory capacity draws wages exceeding Rs. 500 per month. The oral evidence of the company's officer alongwith the documents relied upon by the company clearly indicates that the concerned workman does not fall within the category of "workman" as defined in I.D. Act. The evidence of the company's officer on this aspect of the question has gone unchallenged and there is no whisper in the evidence of the concerned workman himself about the nature of his work. Such being the position the ultimate conclusion which is irresistible is that Dayanath Singh is not a workman and hence an industrial dispute relating to termination of his service cannot be raised under Sec. 10 of I.D. Act. The concerned workman, therefore, is not entitled to any relief. The reference is answered accordingly. There will be no order for cost.

B. K RAY: Presiding Officer
[No. I-20012/130/80-D.IIIA]

New Delhi, the 8th December, 1981

S.O. 3427.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Murulidih Colliery and Murulidih 20/21 Pits Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda District

Dhanbad and their workmen, which was received by the Central Government on the 4th December, 1981.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD.

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 8 of 1981

PARTIES :

Employers in relation to the management of Murulidih Colliery and Murulidih 20/21 Pits Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, District Dhanbad.

AND

Their Workmen.

PRESENT :

Mr. Justice B. K. Ray (Retd.)
Presiding Officer.

APPEARANCES :

For the Employers—

Shri T.P. Choudhury, Advocate, with
Shri R. S. Murthy, Advocate

For the Workmen—

Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union,
Dhanbad.

STATE : Bihar

INDUSTRY : Coal

AWARD

Dhanbad, dated the 28th November, 1981.

By Order No. L-20012/55/81-D.III.A, dated 23-2-1981 the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Murulidih Colliery and Murulidih 20/21 Pits Colliery of M/s. Bharat Coking Coal Ltd., P.O. Mohuda, District Dhanbad and their workmen in respect of the matter specified in the schedule attached to the order referred the same for adjudication to this Tribunal. The schedule to the order reads thus :

"Whether the action of the management of Murulidih Colliery and Murulidih 20/21 Pits Colliery of Messrs Bharat Coking Coal Limited, Post Office Mohuda, District Dhanbad in dismissing from service Sarvashri Bhakta Mahato, Bihari Mahato, Nasir Mia and Sachida Singh is justified ? If not, to what relief are these workmen entitled ?"

2. After notice to the parties they have filed their respective written statements and rejoinders,

3. The case of the union as made out in its pleading is as follows. A charge sheet was issued against Bhakta Mahato on 19-7-78 by the management alleging that he instigated Sri Sonaram Mahato not to unload the excess coal which he was carrying in a Bullock Cart at the behest of the security personnel, that he quarreled with security personnel, that he at about 8-30 a.m. went to the G.M.'s office and demanded steps against the security personnel for their high handedness in harassing the villagers, that he told the G.M. that if steps were not taken against security personnel he would organise a strike and take revenge on the security personnel, that he gathered a mob and instigated the same against security personnel, that he with others assaulted security personnel as a result of which some of the security personnel received injuries and Trivedi, Inspector (home guard) died. Three other charge-sheets were also issued by the management against Nasir Mia, Sachida Singh and Bihari Mahato. These three chargesheets contained almost the same allegations as made against Bhakta Mahato except that the allegations against Sonaram regarding instigation to Sonaram not to unload excess coal which he was carrying in a bullock cart and regarding quarrel with security personnel at the check post were not there. On the allegations contained in the chargesheets an F.I.R. was also lodged by

the management against the concerned workmen. Investigation into the police case is continuing. The concerned workmen in their explanations called for from them did not disclose their defence in the apprehension that the disclosure by them would prejudice them in the criminal case. So they prayed that the departmental enquiry which the management was going to initiate upon the chargesheets might be stayed. This prayer of theirs, however, was not granted by the management which proceeded with the domestic enquiry. After initiation of the domestic enquiry the workmen again prayed for stay of further proceedings in the enquiry till the finalisation of the criminal case against them. This prayer also was turned down by the management and the domestic enquiry proceeded. The domestic enquiry, therefore, was illegal and invalid. In that enquiry the concerned workmen were not given full opportunity to cross-examine the management's witnesses and to adduce evidence in support of their defence. Sri Security Officer Sri B. B. Sahai was appointed by the management as Presenting Officer in the enquiry. The Enquiry Officer also was very much biased against the concerned workmen as they belonged to B. C. K. U. which was not liked by the management. The enquiry conduct was of a perfunctory nature. The Enquiry Officer on account of his bias against the concerned workmen refused to consider the management's documents produced in the enquiry even though the entries therein were in favour of the workmen. Even though the misconducts alleged against the workmen in the chargesheets were not satisfactorily established in the enquiry till the workmen were found guilty and the concerned workmen were dismissed with effect from 3-12-80 from their service. Sri Bhaktu Mahato was given six baskets of coal for his domestic use as per practice prevailing in the concerned colliery. On the date of occurrence i.e. 11-4-78 he was carrying the same in his own bullock cart. At the check post the security personnel detained the bullock cart and demanded illegal gratification from Bhaktu before allowing his cart to pass the check post. Bhaktu having refused to satisfy the demand of the security personnel, he was mercilessly assaulted and dragged towards the barracks by the security men. It was only after intervention of another workman Bhaktu was let off. Bhaktu therefore complained to the G. M. about the high handedness of the Security Personnel who assured him to take proper steps. As soon as Bhaktu Mahato came out of G.M.'s office he was attacked by S/Shri B.N. Yadav, Nayak Ganesh Ram and Trivedi, Inspector (home guards) who came near the gate of G. M.'s office compound in a motor cycle. As soon as the security personnel reached the gate Yadav pointed out Bhaktu Mahato the concerned workman to Mr. Trivedi. Mr. Trivedi, Inspector, (home guards) then fired Bhaktu Mahato from his pistol from a closed range. The bullet so fired by Trivedi hit Bhaktu on his lower abdomen and left hand as a result of which Bhaktu fell down bleeding and became unconscious. He was immediately removed to the Central Hospital, Dhanbad for treatment. The allegations that Bhaktu collected some people at the gate and instigated them to throw stones, lathis and iron rods at the security personnel when they approached the office gate, that when security personnel retreated the crowd followed them, that near the check post some persons armed with lathis and bhalas assaulted Trivedi and Yadav inflicting injuries on them, that as a result of injuries inflicted by the persons assaulting security men Trivedi died and that Bhaktu Mahto instigated the workers to strike as a result of which there was strike in the colliery for 6 days causing huge loss to the company are absolutely false. On the date of strike Bhaktu Mahato was lying in the hospital. Sri Sachinda Singh another concerned workman a mining sirdar was on duty underground the mine from 9 A.M. on '11-4-78 and so he had nothing to do with the incident alleged against him. His physical presence at the time of alleged incident at the place of occurrence was not possible. The statutory register maintained by the management even though proved the fact that Sachida Singh was underground the mine at the time of occurrence the Enquiry Officer did not believe the same on flimsy ground. Nasir Mia, another concerned workman was on 3rd shift duty on the date prior to the date of occurrence. He was on duty from 1 A.M. to 9 A.M. It was, therefore, not possible for him to be present at the place of occurrence, at the relevant time as mentioned in the chargesheet. Nasir Mia as a matter of fact worked during the period of strike and received wages for the same. In spite of all these the biased enquiry officer found him guilty. Murulidih colliery where Nasir Mia was on duty was at a distance of two miles from G. M.'s office. Therefore it was not possible for

Nazir Mia to be present at the place of occurrence after finishing his duty at 9 A.M. in Murulidih Colliery. Nasir Mia being the Secretary of the local branch union was falsely roped by the management and was found guilty by the Enquiry Officer because the union of which Nasir Mia was the Branch Secretary was not liked by the management. At the relevant time Sri Bihari Mahato the other concerned workman was performing his duty as Night Guard in No. 5 incline of Murulidih colliery. He was in 3rd shift on the date prior to the date of occurrence. His duty period ended at 9 A.M. and his place of duty being two miles away from the place of incident it was impossible on his part to be present at the place of occurrence and to participate in the alleged occurrence. He worked during the period of strike and received his wages. The Enquiry Officer being biased against him found him guilty. The alleged incident having taken place in colliery other than Murulidih colliery where Nasir Mia and Bihari Mahato were working on the date of occurrence the manager of Murulidih colliery had no authority to issue chargesheet against Nasir Mia and Bihari and so the enquiry held against the two concerned workmen was irregular and invalid. The action of the management in dismissing the four concerned workmen is not only illegal, arbitrary and unjustified but amounts to anti-labour practice of the management. The impugned orders of dismissal dismissing the four concerned workmen were against the provision of standing orders of the company. The punishment inflicted on the concerned workman is too harsh and disproportionate to the misconduct found against them. In these circumstances the reference has to be answered in favour of the four concerned workmen who are to be reinstated with full back wages.

The case of the management as per its pleading may be briefly stated thus. On 11-4-78 at about 8 A.M. one Sonaram Mahato, H/Khalasi of Murulidih 20/21 Pits colliery was intercepted at the check post for carrying excess coal in his bullock cart. He was only entitled to carry six baskets of coal. The check post home guard reported the matter to the sub-inspector (home guard) B. N. Yadav. Sri Yadav with the Platoon Commandar Md. Masain came near the check post and told Sonaram to unload the excess coal. As Sonaram did not agree to this B. N. Yadav reported the matter to the manager who due to his indisposition was in his bungalow. The manager advised B. N. Yadav to unload the excess coal that was being carried by Sonaram and to release his cart thereafter. Accordingly when B. N. Yadav asked Sonaram to unload excess coal and when Sonaram started unloading the same Bhaktu Mahato one of the concerned workmen came near the check post, instigated Sonaram not to unload excess coal and charged security personnel that they were always harassing villagers. Bhaktu Mahato got so much annoyed with the security personnel that he caught hold of the collar of the shirt which Sri Masain was wearing. This resulted in a scuffle between the two. In the meantime Sonaram unloaded the excess coal and went away. Md. Mohsin, however, got himself released from the clutch of Bhaktu Mahato after pushing him. Thereafter Bhaktu Mahato went to the office of G. M. Area II to complain against the high handedness of the security personnel. While complaining before the G. M. Bhaktu Mahato warned the G.M. that if his complaint was not disposed of to his satisfaction he would organise a strike and take revenge against security personnel. Although the G. M. assured Bhaktu Mahato that he (G.M.) would personally look into the matter and punish the wrong door and although for that purpose the G. M. called Trivedi the inspector (home guards) over telephone in the presence of Bhaktu Mahato in order to look into the complaint of Bhaktu. Bhaktu Mahato collected a big crowd of workers and outsiders at the main gate of Area office of the G. M. and instigated them to assault the security personnel. The people thus collected by Bhaktu Mahato were armed with lathis and bhallas. As soon as the security personnel consisting of Trivedi, Inspector (home guards), B. N. Yadav, sub-inspector (home guards) and Navak, Ganesh Ram reached the gate of the area office on a motor cycle S/Shri Surendra Prasad, Jabbar Mia, Abdul Rasid, Sachida Singh, Gulu Mia, Nasir Mia and Bihari Mahato who were in the crowd assaulted the security personnel. In the assault S/Shri Surendra Prasad, Jabbar Mia, Abdul Rashid, Sachida Singh, Gulu Mia, Nasir Mia, Bihari Mahato took the leading part. The assault was made with brickbats, lathis and bhallas. Trivedi, Inspector, in order to save the security personnel fired at the crowd to scare it away. As a result of firing Bhaktu Mahato was injured in

the lower part of his body and in his left hand. The sub-inspector and inspector were severely injured and the Inspector succumbed to the injury at the hospital three hours after the assault. Thereafter the agitated mob led by S/Shri Surendra Prasad, Jabbar Mia, Abdul Rashid, Sachida Singh, Gulu Mia, Nasir Mia, Bihari Mahato mobbed the office of G. M. and attempted to assault him. It was only on the timely intervention of the officers and other staff of the office the situation was saved. This incident was followed by an illegal strike for six days in course of which 5 units collieries of Mohuda Area employing about 5000 workers on an average per day remained closed causing huge loss to the management. On account of this illegal acts committed by workmen the ring leaders who were responsible for the alleged occurrence on 11-4-78 were chargesheeted. The persons chargesheeted included the four concerned workmen in the case. The allegations against Bhaktu Mahato as per the chargeheet were to the following effect.

"It is reported that he on 11-4-78 at about 8 A.M. instigated Sonaram Mahato, H/Khalasi who was taking more than six baskets of coal on his bullock cart, not to unload the excess coal at the behest of the security personnel. He (Bhaktu) quarreled with security personnel namely, Md. Masim, Platoon Commander, Sri B.N. Yadav, sub-inspector (home guard) and charged them that they always harass the villagers while they were allowing trucks to pass without check. He (Bhaktu) caught hold of Md. Masim by his collar while he was trying to explain that he (Bhaktu) should not interfere in the work of others. On the same day at about 8-30 A.M. Bhaktu went to the G. M.'s office and warned the G. M. while complaining against high-handedness of the security personnel that if he (G.M.) would not dispose of the complaint to Bhaktu's satisfaction Bhaktu would organise a strike and take revenge on the security personnel. Notwithstanding the assurance given by the G. M. Bhaktu gathered a big crowd of workers and outsiders including Surendra Prasad, Jabbar Mia, Abdul Rashid Khan, Sachida Singh, Nasir Mia, Bihari Mahato, Gulu Mia, Mathura Mahato and fanned ill-feeling against the security personnel. Some of the members of the crowd including Bhaktu were armed with lathis and bhallas and started assaulting Trivedi, Inspector (home guard) and B. N. Yadav, sub-inspector and Nayak Ganesh Ram who came there on a motor cycle. As a result of the assault the security personnel were forced to retreat and Trivedi who received serious injury died in a hospital after about 3 hrs of the incident, due to Bhaktu's preaching of violence and due to his instigation illegal strike occurred in all the five units of Mohuda Area for six days as a result of which huge loss occurred to the management. Had Bhaktu not interfered in the work of security personnel had he not instigated the workers to strike work there would have been no strike resulting in loss to the management."

On the aforesaid allegations Bhaktu was charged for having committed acts of misconduct under clauses 17(1)(e), 17(1)(t), 17(1)(i) and 17(1)(u) of the Standing Orders applicable to the colliery. The other three workmen, namely, Bihari Mahato, Nasir Mia, Surendra Singh were chargesheeted almost on the same allegations as mentioned above excluding the allegations relating to the occurrence at the check post which were against Bhaktu alone. After the four workmen were chargesheeted they were asked to give their explanation and they submitted their explanations on different dates. As explanations were found unsatisfactory G. M. Mohuda Area ordered a domestic enquiry. Shri M. P. Balasai, Personnel Manager B.C.C.L. was appointed as Enquiry Officer. The Enquiry Officer in course of enquiry examined witnesses produced by the management in the presence of the four concerned workmen who were given full opportunity to cross-examine the witnesses. The four concerned workmen were also given opportunity to examine witnesses in support of their defence. As a matter of fact they examined their defence witnesses. The Enquiry Officer after consideration of the entire evidence led before him submitted his report finding the four concerned workmen guilty of the charges made against them. By the time the Enquiry Officer submitted his report to the General Manager who had ordered for the enquiry had been transferred. The new General Manager

considered the report of the Enquiry Officer including the evidence recorded in the enquiry and findings of the enquiry officer. Ultimately the concerned workmen were dismissed from service by letter dated 3-12-80. The charges proved against the concerned workmen being of very serious nature the orders of dismissal passed against them cannot be said to be unjustified. In these circumstances the union is not entitled to any relief.

4. At the time of hearing Mr. D. Mukherjee representing the union has conceded regarding fairness of the domestic enquiry so far as the procedural part is concerned. He, however, challenged the correctness of the findings arrived at by the Enquiry Officer on the evidence led before him on the ground that the evidence did not justify the findings arrived at. He further contended that even conceding that the findings arrived at in the domestic enquiry were correct still the punishment inflicted on the concerned workmen were disproportionate. Such being the position parties have not led any fresh evidence at the time of hearing of the case and the entire evidence both oral and documentary led before the enquiry together with depositions of the witnesses examined in the enquiry, the report of the Enquiry Officer, the note of the G. M. on the report, the chargesheets against the workmen, their replies and the impugned orders of punishment passed against the workmen have been accepted as evidence in the case and the learned counsel for both parties have argued their respective cases on these materials.

5. Broadly speaking the case of the management against the four concerned workmen are as follows. On 11-4-78 at about 8 A.M. one Sonaram Mahato a workman in the concerned colliery was carrying coal in a bullock cart. As per the Coal Issue Register he had been allotted six baskets of coal. As the bullock cart taken by him appeared to contain more than six baskets of coal the Security Personnel at the Check Post namely Balanand Singh detained him. Balanand ran to the security post and informed Sri B. N. Yadav, sub-inspector (home guards) about the excess coal being taken by Sonaram. Hearing this B. N. Yadav and Md. Mohsin Platnoon Commander accompanied by Balanand Singh came to the check post and saw Sonaram's bullock cart containing excess coal. Balanand Singh and B. N. Yadav then went to the manager's bungalow to inform him about the excess coal being carried by Sonaram. The manager who was in his bungalow then after hearing from B. N. Yadav instructed him to unload excess coal and thereafter to release the cart. Accordingly the Security Personnel unloaded the excess coal from the bullock cart of Sonaram and allowed him to go with his cart. It was at that time Bhaktu Mahato mining sirdar one of the concerned workmen saw the unloading of excess coal from the bullock cart and protested to the security personnel saying that when they were allowing free passage for truck loads of coal without permit they were harassing the poor villagers. On this protest alteration ensued between Bhaktu Mahato on the one hand and the security personnel on the other. Bhaktu Mahato got enraged and caught hold of the collar of the shirt which Md. Masain was wearing. Md. Masain thereafter struggled with Bhaktu Mahato and released himself. After this Bhaktu Mahato went to G.M. at his office which was at a distance from the check post and lodged a complaint against the security men. G.M. is alleged to have assured Bhaktu Mahato that he would send for the inspector, would enquire into the matter and would punish the guilty. On being so told Bhaktu came to the gate of G. M.'s office and collected a crowd consisting of workers of the colliery and of some outsiders. All the people in the crowd were armed with lathis and bhallas. While the crowd was waiting at the gate Sri Trivedi, Inspector (home guards) accompanied by B. N. Yadav, S. I. (home guards) came near the gate on a motor cycle which was being driven by Nayak Ram. When the security personnel reached near the crowd Trivedi, Inspector, started asking the people gathered there as to why they had assembled. While he was so enquiring, iron rods, stones and lathis were hurled by the people in the crowd at the security personnel including Trivedi. Sri Trivedi therefore in self-defence fired two shots at the crowd as a result of which Bhaktu Mahato was injured in his lower part of his body and in his left hand. After the firing although the crowd dispersed from the place some people in the crowd chased the security personnel. By then Nayak Ganesh Ram had left the place on the motor cycle. So when Trivedi and Yadav were retreating on foot being chased by the crowd

near the check post a group of 10 to 12 persons armed with lathis and bhakals attacked Trivedi and Yadav. Trivedi was so mercilessly beaten that he succumbed to his injuries at the hospital and Yadav got an injury on his ear. When Trivedi fell down on the ground as a result of the assault the crowd assaulting him left the place. Thereafter at the instance of the concerned workmen there was a strike not in the colliery which is known as Murulidih 20/21 Pit Colliery where the occurrence took place but also in the adjoining collieries for six days. On account of the strike the management sustained a huge loss.

On these allegations chargesheets were served against the four concerned workmen. All the chargesheets contain the same allegations except the chargesheet against Bhaktu Mahato which contains the allegations at the check post regarding altercation between him and the security personnel.

In pursuance to the chargesheet all the four concerned workmen submitted their explanations. The case of Bhaktu Mahato was that while he was carrying his own coal in the bullock cart the security personnel near the check-post demanded illegal gratification from him. He having refused to comply with the demand was assaulted by the security personnel. Thereafter he went to the G. M. and complained against the security men. The G. M. assured him that he would hold an enquiry and punish the guilty. On being so told when he had just reached the gate of the office of the G. M. the security personnel namely, Trivedi, B. N. Yadav and Ganesh Ram arrived there and Trivedi fired at him as a result of which he sustained injury in his lower abdomen and left hand. After being wounded he fell down and thereafter was taken to the hospital. He was, therefore, not responsible at all for assault on Trivedi and B. N. Yadav and for the strike which took place according to the management. The plea of the other three workmen in their explanations was a plea of alibi. The stand of all the three was that they were in their respective duty when the alleged occurrence took place and that they had no hand in the strike.

In the chargesheet it was said that Bhaktu Mahato was guilty of misconduct under paragraph 17(1)(a)(t)(i) and (u) and the other three were guilty of misconduct under para 18(1)(a)(t)(i)(u).

It is thus seen that regarding the occurrence at the check post at 8 A.M. on 11-4-78 there is divergence between management's story and defence version. According to the management one Sonaram Mahato was carrying coal in a bullock cart when he was detained by security personnel at the check post. Under the instruction of the manager when excess coal which was being carried by Sonaram was unloaded and Sonaram was allowed to go with his remaining coal with his cart Bhaktu Mahato the concerned workman protested which led to altercation between him and security personnel in course of which Bhaktu Mahato caught hold of collar of the shirt which Md. Mohsin was wearing then. According to Bhaktu Mahato the concerned workman he was himself carrying the cart load of coal and when at the check post the security men demanded illegal gratification from him he refused to pay them as a result of which he was mercilessly beaten. His further case is that after being beaten he went to the G. M. to lodge a complaint against the security personnel which he did. Management in support of his story relies upon the Coal Issue Register of the company where it is shown that on 10-4-78 six baskets of coal had been allotted to Sonaram. According to management's case even though Sonaram had been given six baskets of coal he was actually carrying more coal in the bullock cart when he was caught at the check post. The Coal Issue Register has been proved by the management's witness Gupteswar Hazari. He says that when a certain number of baskets of coal is given to any worker for his domestic use for each basket the worker is given a slip. When the worker carries the coal to his home he submits the slips at the check post before the security personnel and these slips are returned to the Coal Issue Clerk. It is therefore evident that entry in the register shows only allotment whereas issue of slips shows actual movement of coal. If Sonaram actually moved the coal he must have been issued six slips as he was given six baskets. If there was any truth in the management's case that Sonaram actually carried coal in bullock cart the security personnel at the check post must have collected the slips from

him. The evidence of Balanath Singh, Sepoy, who saw Sonaram carrying excess coal in the bullock cart shows that he detained the cart, went to the security post and called B. N. Yadav and Md. Mohsin to the check post. He deposes about the slips which Sonaram was carrying and according to him the slips showed that Sonaram had been permitted to carry only six baskets of coal. The evidence of Bairam Nath Yadav reveals that the slips were in the name of Sonaram Mahato an employee of Murulidih Colliery. But curiously the management does not produce the slips and relies upon the oral evidence of B. N. Yadav, Md. Mohsin and Balanath Singh and the entry in the Coal Issue Register to prove that it was Sonaram who was carrying the coal. This Sonaram has been examined on behalf of the concerned workmen in the domestic enquiry and he clearly says that he did not carry any coal in a bullock cart on 11-4-78 in the morning. In other words he emphatically denies his association with any incident at the check post on the date of occurrence. Even though this witness was cross-examined by the management nothing has been elicited to discredit his testimony. The non-production of the slips in the name of Sonaram coupled with the oral assertion of Sonaram falsifies the story of the management that Sonaram was carrying coal in a bullock cart. As has been already noticed according to the case of Bhaktu Mahato it was he who was carrying coal in bullock cart and when he refused to pay illegal gratification to the security personnel he was beaten whereafter he lodged a complaint before the G. M. This case of Bhaktu Mahato is supported by defence witness Jagdish Nath Pandey who says that on 11-4-78 when he was passing by the check post at 8 A.M. to join his duty he saw Bhaktu Mahato there and the security Sepoy unloading coal from his bullock cart. The witness thereafter went nearer and saw that Md. Mohsin and security Sepoy were dragging Bhaktu Mahato by his collar. When Bhaktu Mahato tried to resist the sepoy with the help of three other sepoys dragged Bhaktu Mahato towards security barrack beating him all the way. The witness saw Bhaktu Mahato shouting. As a result of the assault according to the witness Bhaktu Mahato fell down and asked for water. Thereafter the witness fetched water from a nearby tank and gave the same to Bhaktu to drink. The witness also accompanied Bhaktu Mahato to the G. M.'s office. This witness also has not been shaken in cross-examination. The story that Bhaktu Mahato was assaulted gains corroboration from the evidence of the G. M. himself before whom Bhaktu Mahato immediately reported. The G. M. P. N. Soor in his chief-examination says that on the alleged date of occurrence Bhaktu Mahato came to him and told him that when he (Bhaktu) was going through the check post with his coal he was stopped on the ground that he was carrying excess quantity by the security personnel that when the security personnel stopped him there was an altercation between him and security men who slapped him and dragged him. If the G. M.'s statement is accepted it shows that immediately after the alleged occurrence at the check post Bhaktu Mahato complained to the G. M. that he was assaulted by the security personnel. Therefore the case of Bhaktu Mahato that while he was carrying his coal on the ground that he was carrying excess coal he was dragged and assaulted by security personnel appears to be true when the same is supported by defence witness Jagdishnath Pandey and is corroborated by the G. M. one cannot expect that Bhaktu Mahato immediately after the occurrence at check post would invent a false story and repeat the same to the G. M. I therefore hold that on the alleged date of occurrence at 8 A.M. when Bhaktu Mahato was carrying his coal in a bullock cart he was detained and assaulted by security personnel at the check post on the allegations that he was carrying excess coal. That is why the slips which were noticed by security men near the check post have been deliberately suppressed. I further hold that immediately after assault Bhaktu Mahato complained before the G. M. If the slips could have been produced by the management that would have conclusively shown that defence version is false. In the absence of the slips a mere entry in the coal issue register cannot show that Sonaram was carrying coal. It may be said that if Bhaktu Mahato was carrying his coal as alleged by him there would have been an entry in his name in the coal issue register. Since the register does not show any entry the management wants to say that Bhaktu was not carrying coal in a bullock cart as alleged by him. I am afraid such a conclusion is not possible merely because of an omission in the coal issue register. The coal issue register is a document of the management and it was produced in the enquiry long after the incident.

According to the evidence of Hazari, Coal Issue Clerk he opened a new register under the direction of the management after 11-4-78 and no reason is assigned for such a step being taken by the management. No reason also has been assigned by the management for non-production of the slips even though as per the evidence of the management's witnesses the slips were actually checked by the security personnel. I have already said that it is the issue of slips which proves movement of coal and not on entry in the register. In the absence of the slips merely on the basis of an entry in the coal issue register management's story cannot be accepted when Sonaram himself denies to have carried coal on the alleged day of occurrence. On account of these infirmities I do not accept the management's version regarding the incident at the check post.

Regarding the incident at the gate of the area office which is also the office of the G.M., the management's case is that after Bhaktu complained before the G. M., G. M. assured him that he would hold an enquiry and punish the guilty. After this assurance Bhaktu Mahato came to the gate of the office and shortly thereafter he was found in a crowd of 30 to 40 persons armed with lathis and bhalas near the gate. In the meantime after giving assurance to Bhaktu G. M. phoned to Trivedi, Inspector (home guards) to come to his office. After receiving the phone call Trivedi, Inspector, B. N. Yadav, sub-inspector came on a motor cycle which was driven by Nayak Ganesh Ram. When they reached near the crowd at the gate Trivedi questioned the people gathered there the reason of their gathering. While he was thus ascertaining facts the people in the crowd started brick-batting and throwing lathis and iron rods at the security personnel. To save himself and the sub-inspector Trivedi with his pistol fired two shots as a result of which Bhaktu Mahato being in front was injured and fell down. Management's witnesses to this part of the occurrence have implicated some of the concerned workmen. B. N. Yadav, sub-inspector while deposing in the enquiry says that Dhruba Mahato, M. Mahato, Bihari Mahato and others were pelting stones from the mob but in the next breath he says that he personally knows some persons in the mob who are Jabar Mia, Nasir Mia and Surendra Singh. In course of his deposition the witness identified Nasir Mia one of the concerned workmen. Therefore his earlier version that he saw Bihari one of the concerned workmen pelting stones from the mob cannot be accepted. He does not identify Bihari. In cross-examination by another concerned workman Sachida Singh the witness says that Sachida Singh was present. He does not say where Sachida Singh was and whether he was doing any overtact along with others. The witness has said that after firing he along with inspector retreated from near the gate towards the check post and that they were chased by the crowd. He further says that when they reached near the check post some 10—12 persons armed with lathis and bhalas attacked them as a result of which Trivedi fell down on the ground and he received injury in his left ear. He does not name any of the four concerned workmen in this case to be in the mob which attacked him and the inspector near the check post with lathis and bhalas. So on scrutiny of the evidence of this witness if is found that he has only implicated Nasir Mia and Bhaktu Mahato. The evidence of G. M. P. N. Soor is to the effect that after the incident of firing near the gate of his office Nasir came to him between 10-30 A.M. to 11-00 A.M. and enquired from him about the incident and went away. If Nasir as already deposed by B. N. Yadav was in the mob at the time of firing it is highly improbable that he would again come to the G.M. between 10-30 A.M. to 11-00 A.M. to enquire about the incident. I believe the evidence of G. M. and upon this evidence I am of the view that the evidence of B. N. Yadav that he saw Nasir Mia in the mob at the gate of the G. M.'s office at the time of firing is not true and that Nasir was not in mob at that time. Nasir has not been implicated in the mob of 10-12 person which assaulted Trivedi and B.N. Yadav near the check post. The enquiry by Nasir Mian from the G. M. after the incident at the office appears to be a bona fide enquiry and does not seem to be a camouflage to cover up his complicity. K. N. Ojha and S. R. Sinha witnesses for the management who depose about the gathering inside G.M.'s office do not implicate any other workman of this case. The evidence of Md. Mohsin, Havildar implicates Nasir in the mob at the gate of the G. M.'s office. This witness saw the incident from a distance of 50 to 100 yards as admitted by him in cross-examination. It is very doubtful if from a distance of 50 to 100 yards

he would be able to see Nasir inside the mob gathered at the gate of the G. M.'s office. He also does not describe any part being played by Nasir in the mob and only says in a general way that Nasir was in the mob. The next witness Ganesh Ram does not implicate Nasir in any incident alleged to have taken place on the date of occurrence. He simply recognises Nasir being present during the enquiry in the hall. The 4th witness Balanath Singh also does not implicate Nasir and to the same effect is also the evidence of other witnesses for the management. I have already said that long after the incident which took place at the gate of the G. M.'s office Nasir came to G. M. and enquired from him as to what had happened there, and that the enquiry by Nasir was not a camouflage. The evidence of management's witnesses referred to above associating Nasir with the mob at the gate of G. M.'s office is not credit worthy. The irresistible conclusion therefore is that Nasir as not in the mob either at the gate of the G. M.'s Office or near the check post where Trivedi, Inspector is alleged to have been assaulted or in the mob which entered G. M. Office and threatened him.

Regarding Bihari Mahato the evidence of the management's witnesses against him is very scanty. Baidyanath Yadav although at one stage of his evidence says that Dhruba Mahato, Mathur Mahato, Bihari Mahato and others were pelting stones from the mob, in the next sentence he says that he only knows some persons amongst the mob who are Jabar Mia, Nasir Mia, Surendra Pd. Singh. Thus it is clear that his earlier statement that Bihari was one of the persons who were pelting stones cannot be accepted. The other witness Md. Mohsin appears to have witnessed the occurrence at the gate of G. M.'s office from a distance of 50 to 100 yards. In his evidence he says that he saw Bihari in the mob. He does not ascribe any particular part to have been played by Bihari. It is very doubtful if from a distance of 50 to 100 yards he could see Bihari in the mob. I have discarded his evidence while discussing the case of Nasir Mia. For the same reason I am of the view that his evidence to the effect that he saw Bihari in the mob is not believable. The 3rd witness Ganesh Ram Nayak, does not implicate Bihari and to the same effect is the evidence of Balanath Singh, K. N. Ojha, Ramastay Singh, Sia Ram Sinha and P. N. Soor, G. M. Such being the position there is no reason why the plea of alibi taken by Bihari should not be accepted. Even conceding that Bihari has not been able to establish his own plea there being no positive evidence worth the name against him showing that he was in the mob either at the gate of the G. M.'s office or near the check post where Trivedi was assaulted or in the mob which entered G. M.'s office he must be held to be not guilty of having committed any misconduct under clauses (i), (e) and (t) of Para 18 of the Standing Orders.

So far as Sachida Singh is concerned management's witnesses Baidyanath Yadav does not identify him in the mob. In cross-examination by Sachida himself the witness has also made a statement that on that date Sachida Singh was present without saying at what place and without saying what he was doing. The next witness Md. Mohsin identifies Sachida in the mob but I have already discarded the evidence of this witness on the ground that he saw the mob from a distance of 50 to 100 yards as per his own statement. It may be borne in mind in this connection that after the altercation at the check post between the security personnel and Bhaktu Mahato the witness Md. Mohsin was directed by Baidyanath Yadav, sub-inspector to remain at check post. Accordingly Md. Mohsin remained at the check post which is at a distance of half a mile from G.M.'s office. Md. Mohsin says that he reached the statue of Bajrangbali from the check post and saw the mob from there. The statue according to him is at a distance of 50 to 100 yards from G. M.'s office. It is very much doubtful if anything regarding the alleged occurrence at the gate of G. M.'s office would be visible from the place from where Md. Mohsin says to have seen. The other witnesses for the management, namely, Ganesh Ram, Nayak, Balanath Singh, K. N. Ojha, Ramastay Singh, Sia Ram Sinha, P. N. Sur and B. N. Lal who speak about the occurrence do not implicate Sachida Singh. So on the solitary identification of Md. Mohsin who saw the occurrence from a distance of 50 to 100 yards near Bajrangbali statue it is not possible to come to a conclusion that

Sachida Singh was in the mob either at the time of firing which took place at the gate of G.M.'s office or at the time of assault on Trivedi which took place near the check post or in the mob which later entered G.M.'s office and threatened him. K. N. Ojha management's witness who deposes about the mob which entered G.M.'s office does not implicate Sachida. So hold that Sachida Singh not guilty of misconduct us per clauses (i), (e) and (ii) of Para 18 of the Standing Orders.

Now I take the case of Bhaktu Mahato. He himself admits that he was at the check post where he had some altercation with the security personnel regarding his carrying a cart load of coal. I have already discarded the management's case that the coal which was being carried at that time belonged to Sonaram Mahato and that he was driving bullock cart. I have accepted the story of Bhaktu Mahato. Bhaktu after being assaulted by security personnel at the check post complained before the G.M. in his office. The G.M., P. N. Sur witness for the management admits in his evidence that Bhaktu Mahato complained that he had been assaulted by security personnel. This evidence of the G.M. lends strong support to the Bhaktu's plea that he was assaulted. On being told by G. M. that he would enquire into the matter and would punish the guilty Bhaktu came away from the G.M.'s office to the gate leading to the office compound. In the meantime as appears from the evidence of G.M. he telephoned to Trivedi, Inspector (home guards) who came on a motor cycle accompanied by B. N. Yadav, sub-inspector (home guard). The story is that both Trivedi and B. N. Yadav were sitting on the back of the motor cycle while the motor cycle was being driven by one Nayak, Ganesh Ram another witness for the management. When Trivedi and B. N. Yadav reached the gate of the G.M.'s office the consistent evidence of B. N. Yadav and of Ganesh Ram is that they saw a crowd at the gate of the G.M.'s office, and that the people in the crowd were armed with lathis and bhalas. The evidence of Sia Ram Sinha is also to the effect that the mob gathered at the gate of the G.M.'s office were armed with lathis and bhalas. B. N. Yadav says that on reaching the spot Trivedi, the inspector went near the mob in order to ascertain from the people in the mob about the reason of their being at the place. The witness further says that when Trivedi was talking to the people in the mob the people in the mob started brickbattling namely pelting stones, lathis and iron rods. According to the witness B. N. Yadav, Trivedi in order to save himself and other security men shot at the mob by his pistol from point blank range. As a result of firing since Bhaktu Mahato was in the front of the mob he got injury in his lower abdomen and on his left hand. The fact that Bhaktu was injured at the gate of G.M.'s office where the mob had gathered is not disputed by either party. It is also not disputed that immediately after Bhaktu was injured he fell down and was carried to the hospital for treatment. So Bhaktu's presence in the mob must be held to be admitted. If the mob was engaged in pelting stones, lathis and iron rods at Trivedi and B. N. Ojha Bhaktu Mahato cannot escape the conclusion of being guilty of fighting riotous and disorderly behaviour. It is also the evidence of B. N. Yadav and Md. Mohsin that while the people in the mob were pelting stones etc. they were shouting 'MARO MARO'. But curiously however the General Manager P. N. Sur who is also a witness to this part of the occurrence clearly says that he did not see any weapon, namely, lathis, bhalas etc. in the hands of the people gathered at the gate of his office when the security personnel arrived there in a motor cycle. It has been noticed that after Trivedi and B. N. Yadav arrived at the gate they went near the mob and Trivedi was talking to the people inside the mob. That apart B. N. Yadav also admits in his evidence that Trivedi fired at the mob from point blank range. Thus it is very clear that if people in the mob were really armed with lathis and bhalas and were pelting stones ordinarily one would find some injury either on Trivedi, inspector or B. N. Yadav, sub-inspector. B. N. Yadav, sub-inspector does not say that either he or Trivedi was injured at the gate. Further it is seen from the evidence of Ramasray Singh, Sepoy (home guard) who was at the relevant time working inside workshop at distance of 100 yards from the G.M.'s office compound saw with his own eyes the inspector Trivedi and sub-inspector B. N. Yadav retreating from the mob towards check post and some people in the mob chasing. The witness further says that neither B. N. Yadav or Trivedi had

any injury. This retreating took place admittedly after the firing. The evidence of G. M. P. N. Sur being to the effect that he did not notice the people in the mob being armed with weapons a serious doubt arises as to whether B. N. Yadav, Md. Mohsin and other witnesses for the management who say that the mob were armed with lathis and bhalas and the people in the mob were pelting stones is true. The G.M. is very responsible person and most of the witnesses who speak about the mob being armed with lathis and bhalas are all persons belonging to security staff of the management. It has already been noticed that there was a quarrel between Bhaktu Mahato and security personnel at the check post in the early morning on the date of occurrence in course of which Bhaktu Mahato was assaulted by the security personnel. It has also been noticed that Bhaktu Mahato immediately ran to the G.M. and lodged a complaint before him that he had been assaulted. After the G.M. assured Bhaktu that he (G.M.) would hold an enquiry into the matter Bhaktu came down and was at the gate of G.M.'s office. Within a short time thereafter security personnel arrived. Within this very short space of time if the management's case is to be accepted Bhaktu must be presumed to have collected about 30 to 40 persons, to have armed them with lathis and bhalas and to have been waiting with the crowd at the gate for the security personnel. If the story told by the management that all the 30 to 40 persons near the security personnel started shouting "MARO MARO" and pelted stones and lathis at the security personnel who were very close to them one would normally expect severe injuries either on the person of B. N. Yadav or on Trivedi. I have already noticed above that after firing when these persons were retreating towards check post they had no injury. It would follow therefore that even though all the 30 to 40 persons armed with lathis and bhalas were trying to inflict injuries on the security personnel they could not succeed in their attempt even if the security personnel were very close to them. Such a story seems to be absurd on the very face of it. The story of the management witnesses that the crowd of 30 or 40 persons gathered at the gate of G.M.'s office were armed with lathis and bhalas and that they started throwing lathis, iron rods and stones at the security personnel when they came near is falsified by the evidence of the G.M. The G.M. Sri Soor who says that he did not see the crowd being armed with any weapon. The case that the people in the crowd started pelting stones, lathis and iron rods at the security personnel when Trivedi was talking with them becomes very doubtful when one finds neither B. N. Yadav nor Trivedi having received any injury as a result of pelting of stones, lathis and iron rods at them from a very close distance. Ramasray Singh who saw Trivedi and B. N. Yadav retreating says that they had no injury. So on the basis of the evidence of the G. M. P. N. Soor I hold that the people who had gathered at the gate along with Bhaktu Mahato were not armed with lathis and bhalas as claimed even though they were in a fighting mood were not pelting stones, iron rod, or lathis and were only shouting at the security personnel. Almost all the witnesses who have spoken about pelting of stones, lathis and iron rods are all security men who bear a grudge against Bhaktu. When this evidence is contradicted by the G.M. it is difficult to rely on the evidence regarding pelting of stones, lathis and iron rods. It was only when Trivedi shot at the mob injuring Bhaktu Mahato at two places by his pistol some of the people who had gathered chased the security personnel. The distance between G.M.'s office and the check post where Trivedi was assaulted is sufficiently long and is about half a mile. Admittedly Bhaktu Mahato was not amongst those who chased the security personnel because after being wounded he fell down and was carried to the hospital. It appears from the management's witnesses that near the check post about 10 to 12 persons armed with lathis and bhalas assaulted Trivedi inflicting injuries to which he ultimately succumbed and assaulted B. N. Yadav injuring him in his ear. None of the witnesses examined for the management identifies any of the persons in the mob consisting of 10 to 12 persons alleged to have inflicted injury on the security personnel. The fact, however, remains that Bhaktu Mahato was in the mob at the gate of G.M.'s office. The mob was in a fighting mood and the people therein were abusing and threatening the security personnel. Bhaktu Mahato, therefore, must be found guilty of misconduct under clauses 17(i), (e), (t).

Coming to the other part of the management's case that the concerned workmen after assaulting the security personnel

succesfully incited the workers of the colliery where the incident took place as well as of other adjoining collieries to observe a strike and that as a result of incitement there was strike for six days for which the management sustained a huge loss, the evidence led by the management is very meagre and is not sufficient to make out a case against the concerned workmen. B. N. Yadav says that after the incident on 11-4-78 workers started telling that they would close the colliery. He does not name any of the four concerned workmen to have said like that. They witness Md. Mohsin while deposing about the strike says that at the time of assault the crowd was shouting slogan and people demanding to close the mine. He does not say who was saying so. The witness Ganesh Ram does not say anything about the strike which followed the incident. Witness Balanath Singh only makes a general statement that after the incident peace was disturbed and work remained closed for 5 to 6 days for which B.C.C.L suffered loss. He also does not implicate any of the concerned workmen categorically. Witness K. N. Ojha Sr. Mining Engineer says that after the incident the colliery remained closed for six days and B.C.C.L suffered loss of production. He does not implicate any of the concerned workmen. Witness Remasray Singh, Sepoy, says that the mob was giving slogans against security personnel and was also asking for closure of the colliery. He further says that from that date Murudih colliery remained closed for six days and other collieries of the area remained closed for three days and the company suffered a loss to the tune of few lakh rupees. Witness Sia Ram Sinha says that it is difficult for him to say who sponsored the strike because he does not know the particular person who organised the strike. He also speaks about written appeal by the G.M. not to resort to strike. The G.M., P. N. Soor says that after the incident the entire colliery as well as surrounding area also remained closed for six days and that there was a loss of about several lacs of rupees on account of this strike. He specifically says that peace was disturbed by Surendra Prasad, Jaber Mia, Rameshwar Singh and S. Banerjee. In cross-examination he has said that he has also named the persons who sponsored the strike as they were leading the mob. He does not know who sponsored the strike in other collieries. Last witness B. M. Lal, Dy. Personnel Manager who speaks about the strike says in cross-examination that strike was organised by all the unions that the organisers were Nasir Mia, Surendra Prasad, Rashid Khan and Sachida Singh. He has also admitted in cross-examination that he heard Sachida Singh addressing the people and instigating them to resort to strike. According to the witness Sachida Singh was one of the organisers of the strike. So this witness while implicating Nasir Mia as one of the persons who organised the strike he has not deposed to have seen Nasir Mia actually instigating the people to strike. When the witness says that the main organisers were Nasir Mia, Surendra Prasad, Rashid Khan and Sachida Singh, he only gives his general impression but does not say that he has seen Nasir Mia doing anything. This evidence alone against Nasir Mia is not in my view is sufficient enough to prove that he is guilty of misconduct under Para 18(1)(i) and (u). So far as Bhaktu Mahato is concerned the Enquiry Officer had rightly exonerated him of the charge under Para 17(1)(i)(u) on the ground that after he received bullet injury he fell down at the spot and was hospitalised for a long period. During the strike period which followed the incident, he was in the hospital. That was why the Enquiry Officer came to the conclusion that he had no part to play in bringing about the strike and therefore he could not be held responsible for the loss sustained by the company on account of the strike. But the G.M. differed from this finding and held Bhaktu guilty under Para 17(1)(i)(u) of the Standing Orders because in course of his altercation with the security personnel near the check post he had said that he would ask the mazdoors to stop the colliery and because when he complained before the G.M. in his office on 11-4-78 about the assault on him by the security personnel he gave a threat to the G.M. that he would close the colliery if the dispute was not satisfactorily decided. Accepting that the two statements attributed to Bhaktu Mahato as mentioned above are true it would not establish that he actually organised the strike which resulted in huge loss to the company. Then making the statement before security personnel and before the manager he only gave expression to his desire that in

case the dispute would not be decided properly he would try to close the colliery by giving a call for strike. On the basis of these two statements of Bhaktu Mahato it cannot be said that merely because a strike followed the incident of 11-4-78 Bhaktu Mahato is guilty of misconduct under Para 17(1)(i)(u) in the absence of any evidence that he actually instigated the workers to observe a strike. It may be remembered in this connection that immediately after confrontation between the security personnel and the crowd which had gathered at the gate of the G.M.'s office Bhaktu Mahato a workman in the colliery received bullet injury and fell down. So regarding Bhaktu's responsibility in organising a strike and in causing loss to the company I would accept the finding of the enquiry officer and discard that of the G.M. The only two concerned workmen who have been held responsible for the strike and the consequent are Bihari Mahato and Sachida Singh. B. N. Lal, Dy. Personnel Manager in his deposition at one place name Sachida Singh amongst others as organisers of the strike and according to the witness the strike was organised by all the unions. This statement appears to be merely an impression of the witness and he does not say how he got the impression. Only in cross-examination at one place the witness has said that he did not see Sachida Singh on 11-4-78 since when the workers struck work and at the same time he says that occasionally he heard Sachida addressing the people instigating them to strike. This later statement of the witness appears to have no connection with the strike in question although according to the witness occasionally he had heard Sachida addressing people asking them to observe strike. Even if the statement is assumed to relate to the strike in question, this solitary piece of evidence is too insufficient to saddle Sachida with the responsibility of causing the strike. Regarding Bihari's responsibility in organising strike the evidence of the management is nil. So the net result is that management has failed to establish its case regarding illegal strike and loss to the company against the workmen. As it appears the incident of firing and the consequent injuries on Bhaktu has been interpreted by the working class in the area as an attack on it and consequently the workers stopped work as a protest. So according to me none of the concerned workmen is guilty either under Para 17(1)(u) or 18(1)(u) of the Standing Orders. The firing by Trivedi at the unarmed people resulting injury to Bhaku in his abdomen is the cause of the strike.

8. In view of the reasons given above and in view of my findings that Bhaktu Mahato alone is guilty of misconduct of riotous and disorderly behaviour, he is liable to be punished. So far as three other concerned workmen are concerned since I hold that they are not guilty of any of the charges levelled against them, the order of dismissal passed against them are liable to be set aside and they are entitled to reinstatement with full back wages. They are to report to their duty within a month from the date of publication of the award. So far as Bhaktu Mahato is concerned even though he has been found guilty of misconduct of riotous and disorderly behaviour the punishment of dismissal passed against him appears to be disproportionate to the misconduct of which he has been found guilty. If on the alleged date of occurrence as I have already found he was assaulted by the security personnel, about which he lodged a complain before the G.M. his standing with some people at the gate of the G.M.'s office immediately after he lodged the complaint and behaving in a disorderly manner with the security personnel when they approached the crowd near the gate cannot be said to be of such a nature which would warrant his dismissal from service. At the relevant time he was in an agitated mood after assault on him. At the time he was in the midst of people assembled at the gate he was not armed and I have also held that none others in the crowd had arms. The shouting of Bhaktu Mahato at the security personnel at that time was his spontaneous outburst. Therefore taking into consideration the fact that he was first of all assaulted by the security personnel I think the punishment of dismissal inflicted on him is too severe and is not justified. Since the date of his dismissal he has remained idle till to-day. If he is reinstated without full back wages he would suffer would be sufficient to punish him for the misconduct of which he has been found guilty. So the order of dismissal passed against him is liable to be set aside and he is entitled to reinstatement without back wages if he reports to duty within a month of the date of

publication of the award. This reference is answered accordingly. There will be no order for cost.

B. K. RAY, Presiding Officer
[No. L-20012/55/81-D.III.A]
A. V. S. SARMA, Desk Officer

New Delhi, the 8th December, 1981

S.O. 3428.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 1st Dec., 1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
CALCUTTA**

Reference No. 70 of 1978

PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta.

AND

Their Workmen

APPEARANCES :

On behalf of Employers.—Mr. R. Som, Asstt. Manager (I. R.), Haldia Dock Complex

On behalf of Workmen.—Mr. P. Bose, Asstt. Secretary, Calcutta Port Shramik Union.

STATE : West Bengal

INDUSTRY : Port & Dock

AWARD

The reference has been sent to this Tribunal by the Government of India by its Order No. L-32011(2)/78-D. IV(A), dated 3rd August, 1978 for adjudication of an industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta, hereinafter referred to as the "Port Trust" and their workmen represented by the General Secretary, Calcutta Port Shramik Union, hereinafter referred to as the "Union". The dispute has been mentioned in the Schedule to the reference in the following words :

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in ignoring the claim of casual persons employed in River Training Wing of Haldia Dock Project for regular employment in Haldia Dock Complex ? If not, to what relief are the workmen concerned entitled ?"

2. Today was fixed for filing a petition of settlement or for peremptory hearing. Mr. P. Bose, Assistant Secretary of the Union duly authorised by the Union is present on behalf of workmen and Mr. R. Som, Assistant Manager (I. R.), Haldia Dock Complex of Port Trust represents the employers. Both of them submit before me an application containing the terms of settlement and they pray that the dispute may be disposed of as indicated in the petition of settlement.

3. On hearing the parties and on perusal of the application I find that the settlement is reasonable, legal and voluntary and as prayed for by the parties, I dispose of this dispute in terms of the petition of compromise filed today which shall form part hereof as Annexure "A".

An award is passed accordingly:

Dated, Calcutta,
The 26th November, 1981.

R. BHATTACHARYA, Presiding Officer,
[No. L-32011/2/78-DIV(A) (I)]

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, 20, ABDUL HAMID STREET CALCUTTA-69

**In the matter of Reference No. 70 of 1978
AND**

In the matter of an Industrial Dispute.

BETWEEN

The Management of Calcutta Port Trust.

AND

Their workmen represented by the Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23.

The Management of the Calcutta Port Trust and the Calcutta Port Shramik Union jointly sheweth :

That through a process of bilateral discussion the Management and the Union jointly agrees to the following terms which would meet the ends of justice.

(a) That upto a total of 70 Casual workmen under the R. T. Wing will be absorbed in phase against regular posts in Unskilled categories under Halkia Dock Complex to obviate the problem of retrenchment of the surplus casual workmen under the R. T. Wing. The remaining new will continue in the R. T. Wing.

(b) That the current pay of such Casual workmen of the R. T. Wing who may be finally absorbed against Unskilled categories of posts under H. D. C. Will be protected but their service seniority in the respective cadres under H. D. C. will be counted from the respective dates of their joining of service under H. D. C.

In view of the submission as aforesaid the humble prayer of your petitioners of both the parties is that the Hon'ble Central Government Industrial Tribunal may be graciously pleased to determine the aforesaid Reference No. 70 of 1978 on the aforesaid agreed terms of both the parties.

(R. SOM)
Assistant Manager (I.R.) Haldia Dock
Complex Calcutta Port Trust.

(P. BOSE)

Assistant Secretary
Calcutta Port Shramik Union.

Dated, the 26th November, 1981

S.O. 3429.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen, which was received by the Central Government on the 1st December, 1981.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**

Reference No. 25 of 1979

PARTIES :

Employers in relation to the management of Calcutta Port Trust, Calcutta

Their Workmen

APPEARANCES :

On behalf of Employers.—Mr. R. Som, Assistant Manager (I. R.), Haldia Dock Complex.

On behalf of Workmen.—Mr. P. Bose, Assistant Secretary, Calcutta Port Sramik Union.

STATE : West Bengal INDUSTRY : Port & Dock AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 for adjudication of an industrial dispute. The parties are the employers in relation to the management of Calcutta Port Trust, Calcutta, hereinafter referred to as the "Port Trust" and their workmen represented by the General Secretary, Calcutta Port Sramik, Union, hereinafter referred to as the "Union". The Order of Reference issued by the Government of India is No. L-32011 (2)/78-D. IV(A) dated 20th April, 1979. The dispute has been mentioned in the order of reference as follows :

"Whether the management in relation to the Calcutta Port Trust, Calcutta are justified in ignoring the claim of regular employees of the River Training Wing of Haldia Dock Project for regular employment in Haldia Dock Complex ? If not, to what relief are the workmen concerned entitled ?".

2. To-day was fixed for filing a petition of settlement or for peremptory hearing. Mr. P. Bose, Assistant Secretary of the union duly authorised by the Union is present on behalf of workmen and Mr. R. Som, Assistant Manager (I. R.) Haldia Dock Complex of Port Trust represents the employer. Both of them submit before me an application containing the terms of settlement and they pray that the dispute may be disposed of as indicated in the petition of settlement.

3. On hearing the parties and on perusal of the application I find that the settlement is reasonable, legal and voluntary and as prayed for by the parties. I dispose of this dispute in terms of the petition of compromise filed to-day which shall form part hereof as Annexure "A".

An award is passed accordingly.

Dated, Calcutta,

The 26th November, 1981.

R. BHATTACHARYA, Presiding Officer,
[No. L-32011/2/78-D.IV.A(II)]
NAND LAL, Desk Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of Reference No. 25 of 1979

AND

In the matter of Industrial Dispute

BETWEEN

The Management of Calcutta Port Trust

AND

Their workmen represented by the Calcutta Port Sramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23

The management of the Calcutta Port Trust and the Calcutta Port Sramik Union jointly Sheweth:—

1. That through a process of bilateral discussion the Management and the Union jointly agrees to the following terms which would meet the ends of justice.

2. That the four workmen of the R.T.Wing whose names and designations appear below and who have been working under HDC on an ad-hoc basis will be absorbed against the regular vacancies of H.D.C. to similar posts with effect from the date they have been so working under Haldia Dock complex. The remaining men will continue in the R.T. Wing.

S. No.	Name	Designation
1.	Sri Ratan Kr. Roy	L. D. Clerk
2.	Sri Sayed Azizur Rahman	L. D. Clerk
3.	Sri Srivati Charan Das	Typist
4.	Sri Tarapada Pal	Car & Lorry Driver.

3. In view of the submission as aforesaid the humble prayer or your petitioners of both the parties is that the hon'ble Central Government Industrial Tribunal may be graciously pleased to determine the aforesaid reference No. 25 of 1979 on the aforesaid agreed terms of both the parties.

Sd/- (P. Bose, Assistant Secretary, Calcutta Port Sramik Union) Sd/- (R. Som.) Assistant Manager (I.R.) Haldia Dock Complex Calcutta Port Trust.

Dated, the 26th Nov. 1981

नई दिल्ली, 10 दिसम्बर, 1981

का० सं० 3430.—केंद्रीय सरकार, भौतिक नियोजन (स्थायी आवेदन) अधिनियम, 1946 (1946 का 20) की धारा 1 उपधारा (3) के परंतु द्वारा प्रदत्त मानियों का प्रयोग करते हुए, केंद्रीय सरकार के विवरण में ग्रामीण स्थापनाओं को किसके लिए यह समुचित सरकार है और सभी खासों को जिनमें इस प्रशिस्तवा के प्रकाशन की तारीख से दो मास की समाप्ति के पश्चात 50 या उससे अधिक किन्तु 100 से कम कर्मकार नियोजित हैं। ये पूर्ववती बाहर भासों में किसी भी दिन नियोजित हैं, जागू करने के अपने आशय की सूचना देती है।

[पा० सं० पृ०-12012/1/81 दो० आई० प० (i)]

पा० के० नारायणन, इवर मिशन

New Delhi, the 10th December, 1981

S.O. 3430.—In exercise of the powers conferred by the proviso to sub-section (3) of section 1 of the Industrial Employment (Standing Orders) Act, 1946 (Act 20 of 1946), the Central Government hereby gives notice of its intention to apply the provisions of the said Act to industrial establishments under the control of the Central Government for which it is the appropriate Government and all mines. Wherein 50 or more but less than one hundred workers are employed or were employed on any day of the preceding twelve months after the expiry of two months from the date of publication of this notification.

[File No. S-12012/1/80 DIA(i)]

L. K. NARAYANAN, Under Secy.